By Mr. BYRNS of Tennessee: Papers to accompany a bill for relief of estate of William King, deceased; to the Committee on War Claims.

By Mr. J. I. NOLAN: Protest of the Allied Printing Trades Council of Greater New York, against the passage of House bill 16238, to amend the copyright laws; to the Committee on Patents.

Also, protest of the American Publishers' Association, of New York City, against favorable report on House bill 16238, to amend the copyright law; to the Committee on Patents.

Also, communication from the International Typographical Union, favoring the amendment of section 85, House bill 15902, to prohibit the printing of "return cards" on Government stamped envelopes; to the Committee on Printing.

Also, resolutions of the Socialist Party of California, favoring the passage of the Hamill bill (H. R. 5139), for the retirement of superannuated Federal civil-service employees; to the Committee on Reform in the Civil Service.

Also, protest of the Milwaukee-Waukesha Brewing Co., against any additional revenue tax on beer; to the Committee on Ways and Means.

By Mr. VOLLMER: Petition of A. M. Hall, jr., and others, in favor of the Stevens bill (H. R. 13305), against price cutting and other dishonest trade abuses; to the Committee on Interstate and Foreign Commerce.

HOUSE OF REPRESENTATIVES.

SATURDAY, *September 19, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Thou Grace Divine, encircling all,
A shoreless, soundless sea,
Wherein at last our souls must fall—
O love of God most free!

Impart unto us, we pray Thee, plenteously of Thy grace, that we may with all diligence fulfill the obligations devolving upon us to-day and be the better prepared for the duties of to-morrow, adding wisdom to wisdom, knowledge to knowledge, strength to strength, purity to purity, love to love.

Count that day lost whose low-descending sun
Sees at thy hand no worthy action done.

Thus may we reach the purest aspirations of our souls and prove ourselves worthy sons of the living God. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

RESTORATION OF A PAIR.

Mr. BUTLER. Mr. Speaker, for many years I have had an arrangement for a pair with the gentleman from Georgia, Mr. BARTLETT. I can not understand why on yesterday I forgot that arrangement and voted. I should not have done so, because the division was largely of a partisan nature. I ask unanimous consent of the House to have the RECORD changed to show that I answered "present," and keep my pair with the gentleman from Georgia, Mr. BARTLETT.

The SPEAKER. The gentleman from Pennsylvania says that he has a general pair with the gentleman from Georgia, Mr. BARTLETT, and on yesterday on what was practically a political question he inadvertently voted. He now asks unanimous consent of the House to have that changed, to withdraw his vote, and answer "present." It will not change the result. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF THE LINES OF THE WASHINGTON RAILWAY & ELECTRIC CO.

Mr. CARAWAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4274) to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes.

The SPEAKER. Is there a similar bill reported and on the calendar?

Mr. CARAWAY. Yes; the bill H. R. 12592, an identical bill.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to take from the Speaker's table and consider the bill S. 4274, a similar House bill being reported and on the calendar. The Clerk will report the bill.

The Clerk read as follows:

An act to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes.

Be it enacted, etc., That the Washington Railway & Electric Co., of the District of Columbia, be, and it is hereby, authorized and required to construct an electric railway, beginning where its present tracks on Nichols Avenue intersect Portland Street SE., thence along Portland Street in a westerly direction to Fourth Street SW.: *Provided*, That said railway shall be constructed and operated by overhead electric system and may cross the tracks of the Baltimore & Ohio Railroad on grade, on condition only that before any of the cars of the said Washington Railway & Electric Co. shall cross such tracks said last-named company shall, at its own expense, install at such crossing an automatic safety device of such style and pattern as will make travel over said crossing safe, and which before being operated shall be inspected and approved by the Commissioners of the District of Columbia.

SEC. 2. That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia, within 30 days after the passage of this act, in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Laws for the District of Columbia, a proceeding in rem to condemn the land that may be necessary for the opening of Portland Street as laid down on the permanent system of highways of the District of Columbia contained in an act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in the part of the District of Columbia lying outside of cities," as amended by an act of Congress approved June 28, 1898, and other acts amendatory thereof: *Provided*, That the entire amount found to be due and awarded by the jury in said proceedings as damages for and in respect of the land to be condemned for said extension, plus the cost and expenses of said proceedings, shall be assessed by the jury as benefits; and that there is hereby appropriated out of the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the said condemnation proceedings taken pursuant hereto and for the payment of the amount awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

SEC. 3. That the street railway extension provided for in section 1 hereof shall be begun within three months after the judgment has been made final in the condemnation proceedings provided for in section 2, and shall be completed, with cars running thereon, within a period of one year from said date; and the said Washington Railway & Electric Co. shall, within 30 days from the date of the final judgment in the said condemnation proceedings, deposit with the collector of taxes of the District of Columbia the sum of $1,000 to guarantee the construction of said extension within the prescribed time, and if said extension is not completed, with cars running thereon, within the prescribed time, said $1,000 shall be forfeited to the District of Columbia.

SEC. 4. That, in addition to the deposit hereinbefore referred to, the said company shall deposit such further sum or sums as the commissioners may require to cover the cost of inspection and the cost of changes to public constructions or appurtenances in public highways caused by the construction of said extension.

SEC. 5. That all plans of location and construction of said extension shall be subject to the approval of the Commissioners of the District of Columbia, and all excavations in public highways shall be made under permits from said commissioners and subject to regulations prescribed by them. That said extension shall be constructed in a substantial and durable manner, subject to the inspection of said commissioners, and all changes to existing construction and appurtenances in public space shall be made at the expense of said railway.

SEC. 6. That the said Washington Railway & Electric Co. shall have, over and respecting the extension of its lines herein provided for, the same rights, powers, and privileges that it has by its charter and amendments or by law over and respecting its routes, and shall be subject, in respect thereto, to all the other provisions and requirements, duties and obligations of its charter and amendments and of law. That in addition to the obligation placed upon said company by its charter and law regarding the maintenance of the space between its rails and tracks and 2 feet adjacent thereto on each side thereof the said company shall, in connection with its track construction and simultaneously therewith, grade the highways through which its tracks shall be extended, under the provisions of this act, for a distance of 2 feet outside the outer rails of its tracks to such section and profile as may be approved by the Commissioners of the District of Columbia, and shall bear and defray all of the costs of such grading, which shall be done to the entire satisfaction of said commissioners.

SEC. 7. That Congress reserves the right to alter, amend, or repeal this act.

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I see that this bill provides that there shall be an overhead trolley to operate these street cars. I do not know how many miles of streets this extension is to run over. I would not like to see the policy adopted of putting overhead trolleys now in the thickly settled portions of the District of Columbia, although we have overhead-trolley lines in some places. I believe that all of these lines ought to be put under ground as fast as possible. I am rather inclined to think that no consideration ought to be given to any new legislation for the operation of street cars within the District by the overhead-trolley system.

Mr. CARAWAY. Will the gentleman let me tell him where this is?

Mr. MADDEN. Yes.

Mr. CARAWAY. This is a line being extended on Congress Heights, outside of the built-up district, to a steel plant where there are 600 men employed. It is 6,000 feet from the mill to the nearest car line. This is being extended for their exclusive benefit. It is outside of any built-up section of the District, and it is under an agreement between the steel plant and the railway company for the benefit of the employees of the mill. It saves these men one fare.

Mr. MADDEN. I do not care to do anything to inconvenience the men employed in the steel plant. On the other hand, I would be glad to do everything for their convenience. But while enacting a law of this kind, should not we provide proper safeguards against possible loss of life by overhead trolleys, like the breaking of a wire or something of that sort?

Mr. CARAWAY. This runs through an open country. It connects the steel plant with the line of the railroad.

Mr. MADDEN. If it is in an open country, that would be all right. I understand the gentleman to say that it does not cross any paved streets or run through any thickly settled portion?

Mr. CARAWAY. No; it runs through forest and fields.

Mr. MADDEN. Is there any provision in the bill for the introduction of the underground system at any future time when it should become necessary?

Mr. CARAWAY. No; there is not; but it provides for amendment at any future time by Congress.

Mr. MADDEN. Very well; Mr. Speaker, I will not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. CARAWAY. Is it open to amendment, Mr. Speaker?

Mr. SPEAKER. It would depend entirely upon what the amendment is. The only way that the gentleman got his bill up was that it was an identical bill with the House bill.

Mr. CARAWAY. Very well.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CARAWAY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill—H. R. 12592—was laid on the table.

APPROPRIATIONS.

Mr. POU. Mr. Speaker, I ask unanimous consent to address the House for 12 minutes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to address the House for 12 minutes. Is there objection?

There was no objection.

Mr. POU. Mr. Speaker, on the 12th of this month the gentleman from Massachusetts [Mr. GILLETT] delivered in this Chamber a speech charging the Democratic majority in this Congress, and particularly in this Chamber, with incompetence, inefficiency, and prodigious extravagance. At some length, encouraged by applause on his side of the Chamber, the gentleman from Massachusetts hurled at the Democratic majority charges of wastefulness of the public moneys and criminal extravagance.

It is easy to make charges. Talk is very cheap. I ask a few moments of the time of the House to see how far these charges of our friend are sustained by facts. I ask a few moments to ascertain what protest, if any, the record shows on the part of our Republican friends against this "prodigious" Democratic extravagance.

In the first place, I deny the charge. This great Government, as the years pass, will require increasing expenditures. Every sane man knows this is true. The record of this Congress is without parallel in the Nation's history—a record of achievement so splendid that every great administration measure save one has not only been supported by the Democratic majority but by many votes on the other side as well.

But the gentleman from Massachusetts has sounded the Republican battle cry. When he finds so many of his party supporting Democratic measures that he can not attack us without attacking his own party as well, he falls back upon the time-worn charge of extravagance.

Now, Mr. Speaker, let us see how far the party of the gentleman himself is responsible for appropriations which have been made. If the great supply measures which have passed carried unnecessary items, if any of them were "prodigious" in extravagance, we would at least expect to find some sort of Republican protest. But the exact contrary is true. Not only has there been no protest until the gentleman from Massachusetts made his speech, but the RECORD shows that every one of 22 great supply bills passed by the Sixty-third Congress were put through by the solid vote of the Republican side of this Chamber except one, and against that one measure exactly 20 Republican votes are recorded. There was not even a roll call demanded on any one of these 22 measures, excepting H. R. 10523, which was, as I recollect, a District of Columbia bill, and against that bill just 20 Republicans voted on a roll call.

Here is the list:

H. R. 1917. Indian appropriation bill; passed House April 22, 1913, page 321. No yea-and-nay vote.

H. R. 7898. Urgent deficiency appropriation bill; passed House September 9, page 4622. No yea-and-nay vote.

H. R. 2441. Sundry civil appropriation bill; passed House April 22, page 319. No yea-and-nay vote.

H. R. 2973. Making appropriation for certain expenses incident to the first session Sixty-third Congress; passed House April 21, page 289. No yea-and-nay vote.

H. J. Res. 80. Urgent deficiency appropriation bill; passed House May 10, page 1464. No yea-and-nay vote.

H. J. Res. 118. Making appropriation for certain expenses incident to the first session Sixty-third Congress; passed House August 8, page 3201. No yea-and-nay vote.

H. R. 10523. District of Columbia appropriation bill; passed House January 12, page 1542. See yea-and-nay vote.

H. R. 11338. Post Office appropriation bill; passed House January 24, page 2266. No yea-and-nay vote.

H. R. 12235. Fortification appropriation bill; passed House January 29, page 2555. No yea-and-nay vote.

H. R. 12579. Indian appropriation bill; passed House February 20, page 3726. No yea-and-nay vote.

H. R. 13453. Army appropriation bill; passed House February 28, page 4122. No yea-and-nay vote.

H. R. 13612. Urgent deficiency appropriation bill; passed House February 26, page 3969. No yea-and-nay vote.

H. R. 13679. Agriculture appropriation bill; passed House March 14, page 4883. No yea-and-nay vote.

H. R. 13765. Military Academy appropriation bill; passed House February 28, page 4123. No yea-and-nay vote.

H. R. 13811. Rivers and harbors appropriation bill; passed House March 26, page 5554. No yea-and-nay vote.

H. R. 14034. Naval appropriation bill; passed House May 7, page 8267. No yea-and-nay vote.

H. R. 15280. Pension appropriation bill; passed House May 9, page 8392. No yea-and-nay vote.

H. R. 15279. Legislative appropriation bill; passed House April 17, page 6848. No yea-and-nay vote.

H. R. 15762. Diplomatic and Consular appropriation bill; passed House May 16, page 8724. No yea-and-nay vote.

H. R. 16508. Second urgent deficiency appropriation bill; passed House May 21, page 8973. No yea-and-nay vote.

H. R. 17041. Sundry civil appropriation bill; passed House June 25, page 11125. No yea-and-nay vote.

H. R. 17824. General deficiency appropriation bill; passed House July 15, page 12192. No yea-and-nay vote.

Now, Mr. Speaker, what does this signify? It means one of two things. If this Congress has been guilty of wasting the public money, you Republicans consented. If a crime against the Treasury of the people has been committed, it was done with your knowledge and consent. If the charge is not true, any man who makes it, knowing it is not true, is, to say the least, indulging in demagogy. [Applause on the Democratic side.] There are several ways by which you could have manifested your opposition. You could have demanded a roll call on the final passage of each of these measures. That is the usual way a party puts itself on record in this House. But you did not. You allowed every one of these 22 measures to go through without even demanding a roll call, except the single one I have mentioned, and against that just an even 20 Republicans voted. Take the great committee of which the gentleman from Massachusetts is the ranking minority member. What has been his course of action? Did he file a minority report? Not one. If there was prodigious extravagance in any one of these measures, he should at least have sounded the alarm by a minority report. That is the duty of the minority. That is what the country expects of the minority, and yet in but a single instance did Mr. GILLETT and his colleagues of the minority of the Appropriations Committee file a protest in the form of a minority report. Now he charges us with extravagance. If the charge is true, he is himself guilty. If the charge is not true, then some one is trying to take unfair advantage for party purposes.

It has been suggested, Mr. Speaker, that the place to fight extravagance is in the Committee of the Whole, while the bill is being discussed and amended paragraph by paragraph. That is the plea our Republican friends make since the record shows no roll call on these great measures. But what was the attitude of the minority while these measures were being considered in the Committee of the Whole House on the state of the Union? Did the Republican minority in the Committee of the Whole endeavor to cut down appropriations? I make this charge, and I say the record will sustain it: Excepting a very few unimportant items, our Republican friends strove to increase items of expenditure rather than to decrease them. It is a matter of common knowledge on both sides of this Chamber that the efforts of the minority were to make appropriations larger rather than smaller. Whether they did this to lay the basis for such speeches as we heard from the gentleman from Massachusetts, I do not know; but the truth of this statement of the attitude of the minority can not be successfully disputed by anyone.

Did they want to load down the ship? There is no record vote in the Committee of the Whole. In the light of after events it looks as if our Republican friends purposely tried to take on as heavy a load as possible. And yet they say they made their fight for economy in the Committee of the Whole; made it where they knew there would be no record of it. They say men are ignorant of parliamentary procedure if they do not know that the Committee of the Whole is the place where bills are made good bills or bad bills. For one, I think I may say, I have known this for some time, but I also know that if a party is opposed to a measure it manifests that opposition by voting against its passage. With this record against them, our Republican friends will have a tough job on their hands to convince the voters of the Nation that they tried to cut down appropriations in the Committee of the Whole, where no record vote is had.

There is yet another way they could have manifested their opposition to prodigious expenditures. If there were bad items in any of these measures, the gentleman from Massachusetts could have made a motion to recommit to the Committee on Appropriations with instructions to cut out the unnecessary items. Did he do it? Did the Republican leader do it? I do not recollect. It may have been done once, but we all know they did not use the motion to recommit in any effort to reduce expenditures.

Mr. Speaker, I think I can not do better in closing these remarks than quote from the speech of the gentleman from Massachusetts. Here is the quotation:

Our opinion of a man or a party is determined not only by his conduct but by a comparison of his conduct with his professions. Conduct which we might excuse in one because justified by his beliefs we condemn in another because at variance with his declared principles. To do yourself what you denounce others for doing proves you either a weakling or a hypocrite.

Yes, Mr. Speaker, that is fine. To do yourself what you denounce others for doing proves you either a weakling or a hypocrite. I have shown that 21 great measures passed this House with the consent of our Republican friends. They were just as strong for those measures as we were. Against one only 20 Republicans voted. From the minority members of the Appropriations Committee comes no minority report. In the Committee of the Whole your efforts were to increase rather than decrease expenditures. You did not move to recommit. Never once did you show organized opposition to these great measures. Yes, Mr. Speaker, to do yourself what you denounce others for doing proves you either a weakling or a hypocrite.

Mr. MANN. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, the gentleman from North Carolina [Mr. POU], who is the only Democrat so far who has had the courage to come before the House on the question of the extravagant appropriations made by the Democrats, admits the extravagances, admits the unnecessary appropriations made, and answers that——

Mr. POU. Mr. Speaker——

Mr. MANN. I do not yield to the gentleman.

Mr. POU. Certainly the gentleman does not——

Mr. MANN. Oh, that is what his speech is—an admission.

Mr. POU. Mr. Speaker, it was nothing of the kind.

The SPEAKER. The gentleman declines to yield.

Mr. MANN. Mr. Speaker, that is what the speech is—an admission; and in addition to that, he charges that the Democratic majority, a two-thirds majority, ought not to be held responsible, because the minority did not prevent the passage of the appropriation bills. [Applause and laughter on the Republican side.] How utterly ridiculous! In addition to that, the gentleman from North Carolina shows his ignorance of the procedure of the House. The appropriation bills are fought out in the Committee of the Whole, where there is no roll call, and the Republicans and Progressives in the House during all these months have fought in the Committee of the Whole against these wild and extravagant appropriations upon the Democratic side. [Applause on the Republican side.] The gentlemen on that side of the aisle have frequently complained because we took up so much time in fighting these extravagant appropriations. It is one thing to fight an extravagant proposition in Committee of the Whole, and it is quite another thing to vote against an appropriation bill the failure to pass which would stop the wheels of the Government. We may oppose a proposition as extravagant and yet not feel that we are warranted in stopping the Government itself. Mr. Speaker, if gentlemen on the other side of the aisle expect to deceive the people by saying that we are responsible for the extravagant appropriations which have been made by them, they are welcome to that consoling thought. [Applause on the Republican side.]

ORDER OF BUSINESS.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent that immediately after the approval of the Journal on Monday next I be permitted to address the House for one hour in answer to criticisms of the pending river and harbor appropriation bill.

The SPEAKER. The gentleman from Florida asks unanimous consent that immediately after the reading of the Journal on Monday next he shall have an hour in which to address the House in answer to certain criticisms leveled against the pending river and harbor appropriation bill. Is there objection?

Mr. BURNETT. Mr. Speaker, I would like to ask the gentleman if Tuesday would not do just as well, because Monday is unanimous-consent day. I have not a single bill on the Unanimous Consent Calendar, but many gentlemen are interested in them, and they get in so seldom with opportunities for consideration of this Calendar for Unanimous Consent that I would ask him if Tuesday would not do as well?

Mr. SPARKMAN. Mr. Speaker, the trouble about Tuesday, as I understand it, is that another very important measure will be before the House on that day. I wanted to get in before that occasion arises.

Mr. BURNETT. Mr. Speaker, I shall be constrained to object.

The SPEAKER. The gentleman from Alabama objects.

Mr. SPARKMAN. Then, Mr. Speaker, I ask unanimous consent to address the House upon the same subject on Tuesday next.

The SPEAKER. The gentleman from Florida asks unanimous consent that immediately after the reading of the Journal on Tuesday next he shall be permitted to address the House for one hour in answer to some criticisms leveled against the pending river and harbor appropriation bill. Is there objection?

Mr. BURKE of Wisconsin. Mr. Speaker, I object.

Mr. ADAMSON. Mr. Speaker, I suggest that the gentleman from Florida speak now.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent that I be permitted to address the House for one hour at this time upon the same subject.

The SPEAKER. The gentleman from Florida asks unanimous consent to address the House for one hour upon the subject just stated by the Speaker. Is there objection?

Mr. LENROOT. Mr. Speaker, I object.

The SPEAKER. The gentleman from Wisconsin objects.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Oregon asks unanimous consent to proceed for five minutes. Is there objection?

Mr. CLARK of Florida. Mr. Speaker, I object.

PROPOSED TAX ON LIFE INSURANCE POLICY.

Mr. GOULDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a telegram from the president of the National Association of Life Underwriters, now in convention at Cincinnati, Ohio, protesting against including life insurance policies in the proposed emergency revenue measure.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

Mr. BARNHART. Mr. Speaker, I object.

EXPLORATION FOR COAL, ETC.

The SPEAKER. Under the special rule the House will resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16136) to authorize the exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16136, with Mr. FITZGERALD in the chair.

Mr. FERRIS. Mr. Chairman, I offer the following amendment to the pending Mondell amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend the Mondell amendment by striking out, after the word "interior," the word "shall" and inserting in lieu thereof the words "may, within his discretion."

Mr. FERRIS. Mr. Chairman, I offer that amendment so that the Secretary of the Interior will have discretion in granting the right to take leases in lieu of claims for patent, and that is just as the committee reported it. In each instance—and this has been before the Committee on Public Lands several times—they have stricken out the word "shall" and inserted the words "may, within his discretion," so as to leave a greater latitude to the Secretary.

Mr. LENROOT. Has the gentleman another amendment immediately following the word "lease"?

Mr. FERRIS. I am going to strike out "2,560" and insert 640 acres.

Mr. LENROOT. Does the gentleman consider this amendment will conform to the bill and carry out——

Mr. FERRIS. I think it is sufficient to carry out the thought the committee had in mind.

Mr. LENROOT. I think there is another provision that should be inserted.

Mr. FERRIS. If the gentleman will offer an amendment, I have no objection to his making it conform, although I thought I did all that was necessary.

Mr. LENROOT. Mr. Chairman, will the gentleman consent, also, to striking out the word "lease"? However, let the gentleman dispose of his amendment first.

Mr. FERRIS. Mr. Chairman, I ask for a vote. I think there is no objection.

Mr. MANN. Mr. Chairman, there has been so much confusion that no one could hear what the amendment was, except the gentleman who fixed it up. I have not been consulted, to know what the amendment was.

Mr. FERRIS. My amendment, in a word, was to strike out of the Mondell amendment the word "shall," which makes it obligatory on the Secretary to make the substitution of leaseholds for application to patent, and insert "may, within his discretion," so that it will be in conformity with what the Committee on Public Lands did several times in reporting bills. The gentleman from Wisconsin calls attention to another point; and if he has an amendment prepared I shall have no objection. I ask for a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Oklahoma to the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was agreed to.

Mr. LENROOT. Mr. Chairman, immediately following the word "lease," after the amendment just adopted, I offer this amendment—to insert the words "on such reasonable terms and conditions as he may prescribe."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "lease," insert "on such reasonable terms and conditions as he may prescribe."

The question was taken, and the amendment was agreed to.

Mr. FERRIS. Mr. Chairman, I offer the following amendment to the pending Mondell amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out of the Mondell amendment "2,560" and insert in lieu thereof "640."

Mr. FERRIS. Mr. Chairman, the purport of the pending amendment is to allow those who are now clamoring to get patents under the placer-mining laws to be substituted and have a leasehold estate therefor. The committee has twice reported bills on this identical proposition. The Interior Department has likewise reported favorably about it. A bill has passed the Senate by unanimous consent. It is true the Senate passed a bill providing for a lease of 2,560 acres, but it was my very earnest thought, and the committee finally agreed with me, or rather it did agree with me, that that was too much of known oil land and that 640 acres was all they ought to have the right to lease. Of course there might be a difference of opinion, and there is some difference of opinion among oil men, but this amendment makes the pending amendment conform to the views of the committee and the department, and I really hope the change will be made.

Mr. MONDELL. Mr. Chairman, the two amendments which have been adopted and the amendment which is pending change the amendment which I offered so as to conform to the action of the Committee on Public Lands in regard to this matter. As to the first amendments I do not think they essentially modify the provisions of the amendment as I offered it. This does vitally modify it. In California, where there is a developed field in which these lands in controversy lie, it is perhaps true that the area of land leased should not exceed 640 acres. That is not true, however, in some parts of the intermountain oil fields, where the lands in controversy are not heavy oil-bearing lands. Some of them are but partially developed. I assume, however, the committee will not be disposed to be more liberal in the matter than the Committee on Public Lands was. I regret the reduction, so far as it affects the fields in my State. It will work a hardship on some of the locators in my State who have spent a good deal of money and not gotten a very great deal of oil.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. STEPHENS of Texas. I desire to ask the gentleman whether or not these lands would be in squares of 2,560 and 640 acres, or can be taken at option by lease or provision, so as to string them out over the country for a long distance?

Mr. MONDELL. It must be the land which the party claims.

Mr. STEPHENS of Texas. If they can be taken in 40-acre blocks and then put together, the 640 acres may extend over miles. The gentleman knows that in these oil fields we usually find the oil in that condition, and I desire to know in what shape these lands will be taken, whether the amount be fixed at 640 acres or 2,560?

Mr. MONDELL. Well, the Secretary would lease the land that the claimant was claiming, and ordinarily, I presume, these lands would be in a reasonably compact area.

Mr. KAHN. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] has spoken of conditions in the oil fields in the intermountain region. The conditions in California are not unlike those in the intermountain region. I know of one case where there are something like 500 stockholders in a single oil company. That oil company has 2,560 acres. That is an average of about 5 acres to the individual. I know that cutting the area down to 640 acres will prove a material hardship in the case of that one company. Now, there may be other companies, and doubtless there are other companies, that are similarly situated. It seems to me that as the Senate provision of 2,560 acres is also the amount suggested by the Department of the Interior, the amendment ought not to pass.

Mr. LENROOT. Mr. Chairman, there are only three or four companies that will be affected by this amendment cutting down the area from 2,560 to 640 acres, and one of those companies is the Standard Oil Co., which, I believe, has the largest area of any of them.

Mr. KAHN. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. KAHN. As I understand it, the Standard Oil Co. in California has no wells at all. It does not drill for oil. That, at any rate, is my understanding. It simply buys the oil that is drilled for by the other companies, the companies that are in the business of drilling for oil. So far as I have heard, the Standard Oil Co. does not drill for oil in California.

Mr. LENROOT. I have not the testimony before the committee so that I can refer to it, but I believe that my recollection is correct that either the Standard Oil Co. has acquired some of these claims or that some of its subsidiary corporations have done so.

Mr. KAHN. Not that I have heard of.

Mr. LENROOT. And, Mr. Chairman, all the representatives of these oil fields that appeared before our committee, so far as I now recollect, admitted that it was a reasonable proposition to give them 640 acres, and, indeed, it is dealing liberally with them, and I hope that the amendment will be adopted.

Mr. RAKER. While this matter had considerable consideration before the committee, there was originally some idea that it should be 2,560 acres. The representatives of the California oil fields appeared before the committee and their testimony was taken. They appeared again, and reappeared. Some appeared on the ground afterwards, and some are here now. They practically consented, as I understand it, that, with this kind of legislation, to release 640 acres would be fairly equitable. And it only leaves a couple of companies, as I understand it, of which the Standard Oil Co. is one, and another large company, that would be directly affected; that it would really be not carrying out what the representatives who were here stood for.

Mr. KAHN. Will my colleague yield?

Mr. RAKER. I will.

Mr. KAHN. Was there a representative of the Honolulu Oil Co. before the committee?

Mr. RAKER. I think there was.

Mr. KAHN. That company is not affiliated with the Standard Oil Co. I have my information from that company, to the effect that cutting the area down leaves about 5 acres to each of the individual stockholders in the company.

Mr. LENROOT. A moment ago I did not have before me the table of the ownership of the oil fields or the claimants. I now have it. I find here the Standard Oil Co. giving a description, on which they have invested $290,000 in one case; another, giving a description where they have invested $202,000; and another, $835,000, and so on, and there are a very large number of claims under their name.

Mr. KAHN. Does the list contain the name of the Honolulu Oil Co.? It is from the president of that company that I received my information.

Mr. LENROOT. Yes; the Honolulu Oil Co. is here.

Mr. KAHN. That is the company that claims this legislation will only give 5 acres to each of its stockholders.

Mr. LENROOT. The gentleman said the Standard was not interested, and I wished to correct that statement.

Mr. KAHN. I simply said the Standard does not drill for oil in California. That was my information. I do not know from personal knowledge.

Mr. MANN. Will the gentleman yield?

Mr. RAKER. I yield.

Mr. MANN. No one of these companies is required to accept anything under this provision?

Mr. LENROOT. No.

Mr. MANN. And we do not take any rights away that they have?

Mr. RAKER. We do not.

Mr. MANN. I do not see how any of them can complain, then. We offered to give them something, and if they think it is not worth taking they do not have to take it.

Mr. RAKER. That is about it. They have claims there and are trying to perfect them, but are held up by contests and litigation.

Mr. FERRIS. They get four times as much as they contemplated getting under the placer law.

Mr. RAKER. As one member of the committee I feel it is my duty to stand by the action of the committee and the representations before the committee, and we ought not to go back of that, and therefore I believe the amendment of the gentleman from Oklahoma ought to be adopted.

Mr. CHURCH. I would like to ask the gentleman if it was not like this, that the people who came on from California found the tenor of the Public Lands Committee was entirely against them, and, in order to get anything, they agreed to the 640 acres?

Mr. RAKER. I was in favor of the 2,560-acre tract, and when I found the representatives here, and found they would take the 640 acres, we thought it was the best thing that could be done, because it would bring relief to them; and, having once voted that way, I believe in standing by it. They do not need to take it unless they want it. While the statement of the gentleman from California [Mr. CHURCH] and the gentleman from Wisconsin is true, I do not believe we ought to give the larger territory at this time.

Mr. HULINGS. I would like to ask if the bill provides if the pioneer in a new field can get more than 640 acres?

Mr. RAKER. Yes; if he goes beyond the 20-mile limit of a known oil field. Twenty-five hundred and sixty acres will get his permit, and if he discovers his oil he can get 640 acres and a title in fee to it.

Mr. HULINGS. I have been "wildcatting" all my life, in most places where land is in private ownership, and to go in and drill a wildcat well on a 640-acre lease at a tenth or an eighth royalty would never be the slightest inducement in the world, nor would a 2,560-acre lease.

Mr. RAKER. You do not want to give it all to them, do you?

Mr. HULINGS. If 2,560 acres are all that there are, it would not be much of a field. The man will not go in as a pioneer if he has but 640 acres in prospect. If he has gotten a very remote field to go into on 2,560 acres, he will not go, and you will not have the land developed.

Mr. RAKER. Does the gentleman understand that the amendment now under consideration applies to a known, developed oil field and to oil wells actually in operation?

Mr. HULINGS. That is what I asked, whether this applied to a pioneer in a new field?

Mr. RAKER. No; the amendment under consideration now applies to developed, known oil fields, developed wells, and he may obtain a lease for 640 acres by waiving all claims that he has to the particular tract of land or part of it up to 640 acres.

Mr. HULINGS. Does the bill provide for what a pioneer may have?

Mr. RAKER. Yes. Another provision of the bill provides that if he goes 20 miles from a known oil field he gets 2,560 to bore on, and if he gets oil he gets 640 acres. Again, if he goes 10 miles from a known field he gets 640 acres on which to bore, and if he gets oil on it he gets 160 acres and a patent therefor.

Mr. HULINGS. Well, if in a new field he can get only 2,560 acres, and if he can not by connivance get somebody else to take up more land and join with him, then the 2,560-acre field will never be developed. That, however, would not be of much harm now, because we are producing about 50,000 barrels of oil every day for which there is no use, and it must go into tankage.

Mr. RAKER. One of the troubles heretofore has been where a number of people—eight in number—go out and take 160 acres under a placer claim and do not use real people to hold the claims. That has brought about the contests and the trouble that is now confronting all these California oil people. It has caused so much trouble, indeed, that many of them, in order to get out of this endless litigation and expense, are in favor of this provision. It is a sort of compulsion, but they would rather have the lease than a lawsuit and not know when the trouble would ever end.

Mr. HULINGS. Doing the same as they did with the coal claims?

Mr. RAKER. Yes.

Mr. STAFFORD. Mr. Chairman, I would like to get an answer from the gentleman to one question in order to make it clear in my mind.

Mr. RAKER. I will try to answer the question, if I can.

Mr. STAFFORD. I notice that the Standard Oil Co. and others have disjointed tracts. Under the Church amendment it is proposed that the Standard Oil Co. must necessarily, if they wish to avail themselves of this privilege, surrender their rights to other tracts, distinct and separate. Or would they or their subsidiary companies in distinct fields have the right to claim under this provision?

Mr. RAKER. It is my interpretation of the provision and the interpretation brought out in the hearings had before the committee that, for instance, in a known field in California he would get but one lease and waive the balance.

Mr. STAFFORD. To my knowledge the Standard Oil Co., under subsidiary companies, have pending claims contested by the Government in Wyoming. According to this statement, they have claims also in California.

Mr. RAKER. I think it would apply only to known fields in California or Wyoming, as the case might be.

Mr. STAFFORD. These fields in Wyoming are known oil fields, and the department is contesting them. I would like to have the chairman of the committee or some other member of the committee make it clear whether they surrender the right to all their claims by availing of this privilege.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. RAKER. As I understand it—and I will leave it to the gentleman from Oklahoma [Mr. FERRIS] and the gentleman from Wisconsin [Mr. LENROOT] to give their views—if they have 2,560 acres of land in California now under claim in one tract or other tracts, they would get but one lease.

Mr. STAFFORD. Whether those tracts are disjointed or conjointed?

Mr. RAKER. Yes. That is my view of it. I leave it to the other gentlemen to express their views.

Mr. LENROOT. They would get one lease, but they would only be called upon to surrender 640 acres and not the 2,560 acres.

Mr. STAFFORD. They would surrender only the 640 acres?

Mr. LENROOT. Yes; only the portion they had a lease on.

Mr. STAFFORD. And still retain their claim on the balance of the land? I understood this was a sort of compromise. I understood that in return for the relinquishment of their right to all their locations they could have a clear title to 640 acres upon their surrendering their title to the balance. Otherwise they are receiving everything and the Government is not obtaining anything.

Mr. LENROOT. If they will relinquish their right to that specific claim, the bill will give the Secretary of the Interior the right to lease to them, under the terms of this bill, that specific claim.

Mr. STAFFORD. Supposing their claim is an aggregate claim of 2,560 acres?

Mr. LENROOT. If it is in one claim, they must release it all. If it is in several claims, they need not do so.

Mr. STAFFORD. Then, if they are in several claims—and there is no case, as I read this statement, where there is any excess of 640 acres—then they are relinquishing nothing.

Mr. LENROOT. They are relinquishing land upon which they secure the lease.

Mr. RAKER. Mr. Chairman, supplementing what the gentleman from Wisconsin [Mr. LENROOT] says, if they want to continue the fight, it is up to them to do it; but if they want to get the benefit of peace and quiet, so as to dispose of their oil, they can get a lease of 640 acres, but not more.

Mr. STAFFORD. Then they do not relinquish anything except their right as a fee owner on their excess claim as fee owner, which they are seeking now to include?

Mr. RAKER. They are giving up a claim under contest, with litigation unlimited, for a quiet, peaceable lease, so that they can go on and do business. I think that is about the substance of that provision. They want to do it. They want to get out of litigation and trouble.

Mr. STAFFORD. I had the impression that they were relinquishing a claim to some land. Now I find that they are not surrendering anything but certain rights in a distinct tract.

Mr. FERRIS. Mr. Chairman, I think I can clear the matter up a little. I have in my hand a letter from Secretary Lane explaining the situation. Under the old placer law eight men could go out and take each 160 acres, and the frailty of the law was that they could go on and do that indefinitely. Sometimes they took 160-acre tracts together and sometimes not, so much so that some of the companies whose representatives appeared before our committee have more than 3,000 acres of oil land taken up under this plan. The Department of the Interior is holding them up on their patents. In some instances there are charges against them of having made dummy entries. In other words, an oil man who had eight people in his family could get eight claims among them, and the department is holding them up on these patents and will not issue the patents. These parties are still clamoring for their patents, and they are still contending that they are entitled to them. Here comes a lease law which will lease the land instead of letting it go to them in fee.

The thought of Secretary Lane and the thought of the committee was that if we could reduce these troublesome, annoying applicants for patents to the status of lessees, in harmony with this legislation, paying a royalty to the Government for the oil, so that the oil could be used for the Navy or the money placed in the reclamation fund, or whatever fund it goes to, it would be a solution of this troublesome problem. The Senate thought that, and unanimously passed the bill. The House committee reported such a bill. The Senate bill doing this very thing is on the Speaker's table, and the committee thought we ought to give them a chance to relinquish their claims to patents and take leases in lieu of them. Now, to the specific question of the gentleman from Wisconsin—if a man owns a dozen tracts in different localities, what does he surrender in order to get a lease for a 640-acre tract?—of course the gentleman knows that the Secretary does not have to enter into negotiations with these applicants at all. He may say, "I refuse to have anything to do with you. Your proceedings are so irregular that you must proceed under your application for a patent and stand or fall by it." On the other hand, he may allow as much as 640 acres of that land, either in detached areas or in compact areas, to go to an applicant in the event that he surrenders his claim for patents to that land. Now, I do not think the amendment is very clear as to whether he must surrender all of these parcels or whether he must surrender the identical area for which he accepts the lease, but my thought is that the gentleman from Wisconsin [Mr. LENROOT] has adopted the right theory about it. I think he is only required to surrender his claim for a patent to the area for which he receives a lease, and I think he may proceed to try to get patents for other areas.

Mr. STAFFORD. The gentleman is willing to concede that the language is ambiguous and will warrant the interpretation that if he has a claim for, say, 2,560 acres, he must surrender his rights to the excess in order to get the privilege of a lease on the 640 acres.

Mr. FERRIS. I think there is no doubt that he has to surrender his application for a patent to that area. Whether he has to surrender as to the excess or not, I am not sure that the bill is clear. The gentleman from Wisconsin [Mr. LENROOT] thinks he should surrender the exact area for which he gets the lease.

Mr. LENROOT. No; I think he must surrender all of the area embraced within his claim; but if it be more than one claim, he need not surrender the additional claim in order to get a lease upon that area.

Mr. FERRIS. The thought is that each claim should rest upon its own axis and be an entity in itself, so that if one claim embodied 2,500 acres, he would have to surrender the whole of that in order to get a lease of 640 acres.

Mr. STAFFORD. He would have to surrender the excess. That is my idea.

Mr. HULINGS. Mr. Chairman, as I look over this bill I see that if you go "wildcatting" more than 20 miles away from a known field you can get a permit for 2,560 acres. If you find oil on it, you can get a lease or patent for 640 acres. If it is within 10 miles, you can get 160 acres.

Mr. FERRIS. A patent or lease.

Mr. HULINGS. In my opinion you can not find oil men who would go into the States of Pennsylvania or West Virginia or Ohio and drill a wildcat well on the terms which are set out here. Why, they would not even be permitted to use the timber for the necessary derricks and rig stuff. I am not in favor of giving away the public domain, but when you are legislating I should like to see it done in a reasonable way.

Mr. RAKER. Will the gentleman yield for a question?

Mr. HULINGS. Yes.

Mr. RAKER. Take it in Pennsylvania. The gentleman says a man will not proceed unless he gets a lease for 2,560 acres or more. How does he get it when the land is in private ownership?

Mr. HULINGS. He goes with his leases and a smile on his face and gets the landholders to sign the lease, and he may take leases of a large area, all of the leases containing a clause requiring him to begin operations within a certain time, or that he must begin operations on a named tract within a certain time.

Mr. RAKER. And your view is that unless he gets such a contract as that there is no reliance whatever that he will proceed at all?

Mr. HULINGS. I know mighty well that I would not go and drill a wildcat well anywhere for a lease of 640 acres on which I had to pay one-eighth royalty. I would not have to. In a section remote from production, where the land is held under private ownership, the owners are always anxious to have their lands tested and are always ready to club in and furnish the pioneer with holdings large enough to make the risk of drilling a "wild cat" 20 miles distant from any known production attractive.

Mr. RAKER. Does the gentleman realize that under the law now they would only get 20 acres apiece? And now we have extended it beyond the 160 acres and we think it will get rid of these troubles. We want the country to develop and we want to find more oil fields.

Mr. HULINGS. I do not think you want that so much when you come to think that we are now getting more oil than we know what to do with. There are 143,000 barrels in the United States exclusive of that imported from Mexico going into storage every day. We are getting too much oil. There is no great rush to get this bill through and get more oil out. I do not believe when you are legislating for a country like Wyoming, for instance, that a man will go into a new field at the present price of oil, or that he would find any inducement to take up a lease under this bill. He would far rather go into a country where the lands are in private ownership and get five, six, or ten thousand acres held under a lease. That is the way they do. Perhaps the concern that already has its holdings is favorable to this bill, but I do not believe any experienced oil operator will favor it. Perhaps it will work satisfactorily if a score of persons, more or less, will make filings in the same neighborhood with the understanding that they will all convey to a big company. Or if the design is to prevent the accumulation of titles in a single owner, what is to prevent the lessee after oil is discovered, and he has his lease, from selling out to the big concern. I do not see anything in the bill to prevent this. This plan has worked in irrigable lands and in coal fields—not always, but frequently.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma to the amendment of the gentleman from Wyoming.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from Wyoming as amended.

The question was taken, and the amendment as amended was agreed to.

Mr. RAKER. Mr. Chairman, I offer the following amendment to follow the amendment that has just been adopted, as a new sentence.

Mr. MONDELL. Will the gentleman from California yield?

Mr. RAKER. I will.

Mr. MONDELL. I have two amendments that I want to offer to this section.

Mr. RAKER. My amendment is to the same section; it only adds a new sentence after the amendment that has just been adopted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding, at the end of the amendment just adopted, the following:

"The Secretary of the Interior in the award of leases upon competitive bids shall in the case of equal bids give preference to the applicant, or, if more than one, proportionally to the applicants, if any, by whom oil and gas has been developed upon adjacent lands under the provisions of sections 13 and 14 of this act."

Mr. RAKER. Mr. Chairman, just one word. This is only to give the men who have gone out and taken a claim, say of 640 acres, within the 10-mile limit, who have discovered oil, a preference.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. STEPHENS of Texas. What length of time does the gentleman propose to give the applicant to comply with this law?

Mr. RAKER. This is under the lease. It applies to sections 13 and 14. If he has obtained his patent, and there are three

tracts of 160 acres each open for leasing, the bids are put in for the leasing of 160 acres. The man who has obtained and discovered this will, if his bid is equal to the others, have the preference right to obtain a lease upon the remainder. The department suggests that this might be equitable and just. It is only a preference right when there is equal bidding.

Mr. LENROOT. Mr. Chairman, I hope this amendment will not be adopted. One of the principal reasons is that as far as the oil discovery is concerned, if he makes the discovery after the permit he has been given his reward by being given title to one-fourth. He ought not to have any further preference. Second, it would be most unwise to impose upon the Secretary of the Interior the burden and duty, in the case of a number of bids being received, to determine who was the first discoverer. There might be a large number of them claiming to be the first discoverer. Again, the language of the amendment provides that if the discovery of oil has been made on adjacent lands, that preference shall be given. If I understand correctly, the courts have held that the term "adjacent lands" means or may mean lands within 20 miles.

Mr. RAKER. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. RAKER. The only purpose of this is that where the land is a part of the original discovery tract and is offered for lease and the parties have put in equal bids that it applies.

The gentleman will remember that in the committee we had a discussion whether or not the man who discovered oil should have a preference right to leasing the remaining 480-acre tract. This only applies in case where the bidders are equal.

Mr. LENROOT. In any case, where a prospecting permit has been granted, the man gets one-fourth of the land, and under the gentleman's amendment he would be entitled to the preference on the remainder.

Mr. RAKER. No; only in case the bids are alike.

Mr. LENROOT. He would be entitled to a preference over those others who bid equally with himself. Now, we have already given him his reward when we have given him a title to one-fourth.

Mr. RAKER. But that is a small reward. He has put in lots of time and expense and trouble, and how are you going to determine?

Mr. LENROOT. Determine what?

Mr. RAKER. Suppose the two bids are the same?

Mr. LENROOT. Then it rests within the discretion of the Secretary of the Interior.

Mr. RAKER. He would have to readvertise. Suppose they are equal, that the bid of the discoverer is the same as that of the highest bidder, why should not the Secretary say to the discoverer "You have been a good, faithful servant, and therefore we will award you the contract"?

Mr. LENROOT. My objection is that we have already given him his reward in the title to one-fourth of the land. In a field where there are hundreds of men discovering oil in a new field, to impose upon the Secretary the duty of determining who is the first discoverer is to impose a duty that we ought not to impose.

Mr. STAFFORD. Is not the person who has the fee right by reason of discovery in a better position to give a higher bid?

Mr. LENROOT. Yes.

Mr. STAFFORD. And would you not be really burdening the person who has not the fee by giving the latter preferential rights?

Mr. RAKER. But this does not give him all preferential rights.

Mr. STAFFORD. You do when the bids are equal.

Mr. RAKER. The gentleman was complaining the other day because we give one man a title and charge royalty as to the other three parts.

Mr. LENROOT. This would give him a still further privilege.

Mr. RAKER. Is it not only fair if the bids are the same to give the man who has been the actual pioneer the chance to obtain the lease?

Mr. LENROOT. Not when we have paid that man in giving him a fee title. We have closed the obligation.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. NORTON. I desire to ask the gentleman from California a question. Would not his amendment open the way to a great deal of fraud between the adjacent property owner and some one who might desire to bid in good faith for this lease, if he stood on an equal footing with the adjacent property owners? As it is in the West now in the sale of public lands a great deal of fraud takes place.

Mr. RAKER. Oh, no.

Mr. NORTON. I think so.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MONDELL. Mr. Chairman, I shall support the amendment of the gentleman from California [Mr. RAKER], although it would be of very little value to anyone. There might be cases where it would give a preference to the man who was entitled to the preference, and that being true, I shall support it. If the gentleman from California had really wanted to assist in giving the man who made the development the right that he is entitled to, he would have supported my amendment, offered when the bill was under consideration the last time, at the end of section 14, to the effect that the permittee shall have the preference right to lease all of the lands covered by his permit. That would be a preference worth while, but the provision offered by the gentleman that where there are two identical bids the man who has developed the oil adjacent shall have the preference, probably would not help one case out of a thousand. I assume that is just what the Secretary would do anyway. Where two bids are identical the Secretary must decide in view of the equity in the case, and the equities in the case would naturally be with the man who had developed oil in the locality. While I do not think his amendment will do much good, and I regret that he did not support mine, which would have done good, I shall support the gentleman's amendment.

Mr. RAKER. Mr. Chairman, I do not feel very keen about this, and if there is any question about its giving the man who is actually the pioneer an opportunity, I shall withdraw it.

The CHAIRMAN. The gentleman from California asks unanimous consent to withdraw his amendment. Is there objection?

Mr. MONDELL. Mr. Chairman, I object.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. GRAHAM of Illinois. Mr. Chairman, I move to amend the amendment by striking out the word "adjacent" and substituting the word "contiguous."

Mr. RAKER. I would be very glad to accept that.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend the amendment by striking out the word "adjacent" and inserting the word "contiguous."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois to the amendment of the gentleman from California.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment of the gentleman from California as amended.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 12, noes 17.

So the amendment was rejected.

Mr. MONDELL. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 14, strike out all of line 3 after the numeral "16," all of lines 4, 5, 6, 7, 8, and line 9 down to and including the word "leased," and insert in lieu thereof the words "that oil and gas leases may be issued."

Mr. MONDELL. Mr. Chairman, I offer this amendment in order to avoid confusion. If the gentlemen of the committee will turn to the beginning of section 1, they will see there a description of the lands to be leased or disposed of under the bill. Then, if they will turn to section 13, particularly to lines 3 and 4, page 10, they will find the description of the lands brought under the provisions of the bill as it applies to oil lands. When we reach this section we have another and a different description of the lands, and, taking the three together, there would be a good deal of confusion as to just what we mean. As a matter of fact, this section is not intended to be descriptive of the lands that can be leased, but is simply intended to authorize the Secretary to issue leases, and that is all that should be said.

I want to call particular attention, on page 14, line 5, to the words "or proven to contain such deposits." Some gentlemen may be misinformed as to the situation with regard to oil on the public lands. Some may have an idea that the Geological Survey has gotten all of the oil lands on the public domain outlined. That is not true at all. The Geological Survey never found an oil field. The Geological Survey has seldom, if ever, withdrawn any lands as oil lands until somebody has found oil or drilled for it or prepared to do so. So far as anybody knows anything about it, there is probably ten times as much land in the State that I have the honor to represent that

contains oil in greater or less quantity than has ever been withdrawn. I am sure it was not the intent of the committee when it comes to the question of leases to limit the lands as to which leases could be made to those that have been withdrawn. So far as the Government is concerned, if anyone were foolish enough to ask for a lease of land that did not contain any oil at all, with a view of prospecting for oil, there is no reason why he should not get his lease.

The committee has inserted a description of the land to be leased by providing, first, "that all deposits of oil or gas and the unentered lands containing the same." Now, that is a definition differing from the definitions to which I have referred. Then, second, "lands that are classified as oil or gas lands." I do not think any lands are classified as oil or gas lands. I do not know; I will not be positive, but I think not. This is new language. There are lands withdrawn as oil and gas lands, but there are no lands so classified, so far as I know, and in that respect our oil withdrawals differ from our coal withdrawals. I do not know what the committee meant when it said "lands classified as oil lands." Then, when you add to that the words "proven to contain such deposits," you still further restrict the land that can be leased.

Now, I do not think it was the intent of the committee to have any restrictive language in this section, but merely to provide that the Secretary might lease lands for oil and gas. It is true that you have an exception here which is not found in my amendment, but that exception is unnecessary, because clearly from the other sections of the bill the Secretary could not lease land that was embraced in a prospecting permit during the life of the same, and surely he could not lease patented land, and surely he could not lease land for which application for patent was pending unless we directly authorize him to do it, and we do not do that anywhere in the bill. So these exceptions are not necessary, and this language is confusing and would restrict the leasing of land to certain classes. My amendment strikes out this new description and simply provides that the Secretary may issue oil and gas leases, leaving the other language as it is in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the Chairman announced the noes appeared to have it.

Upon a division (demanded by Mr. MONDELL) there were—ayes 6, noes 27.

So the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer the following two amendments, and ask they may be considered together in order to expedite business.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Page 14, lines 9 and 10, strike out the words "through competitive bidding."

Page 14, line 14, after the word "lease," insert the following: "but not to exceed one-tenth of the value of the oil or gas at the well."

The CHAIRMAN. Without objection, the two amendments will be considered together. [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, this is a provision, following the theory of the other sections of the bill, to provide for leasing through competitive bidding and on such a basis of royalty as may be fixed by the lease. My amendment strikes out the provision as regards competitive bidding and establishes a royalty of not to exceed one-tenth. My opinion is that the system of competitive bidding proposed by the section will not be workable. I think it will be very doubtful if we can secure any considerable development under its provisions, and if we are to proceed on this theory of competitive bidding there ought to be, as there is in all the other leasing legislation, a minimum. We leave the whole thing to the Secretary in this case to do as he pleases—turn over all gas and oil lands of the United States and allow him to lease them through competitive bidding under general regulations. If a bid is only one-twentieth, I suppose the Secretary would feel called upon to lease the tract. One objection to the system of competitive bidding, from the standpoint of the people, is that its tendency will be toward high royalties, thus increasing the cost of oil and gas. It also leaves the door open to favoritism, so that in some localities the royalty might be infinitesimal. It will not work well, in my opinion, at either end or in either direction.

Mr. LENROOT. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. Is the gentleman aware that in the California fields the minimum royalty now is 10 per cent, which the gentleman would make the maximum?

Mr. MONDELL. I think that is a very good maximum. I believe that is about what they are paying out there. I do not think the Government——

Mr. LENROOT. I said that was the minimum.

Mr. MONDELL. I do not think the Government ought to go into the oil-leasing business with the idea of getting a lot of revenue out of it. In taking 10 per cent of a man's production we are taking quite a lot of it. In placing a royalty on oil and gas we should remember we are adding to the price of them. That may not always be the case with coal, but it inevitably will be the case with oil and gas unless the man who is producing under a lease is competing with some one who owns his land and therefore could afford to sell cheaper by reason of his ownership, in which case a higher royalty might not raise the price of either oil or gas, but it would prevent development. I believe that the system of a preferential prospecting permit followed by lease after discovery is made at a royalty prescribed by law, or between a minimum and maximum prescribed by law, is a better plan than the plan proposed in this bill. It would be more in the public interest and would not be so likely to lead to scandal.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

The CHAIRMAN (Mr. GARNER). The Clerk informs the Chair that there are two amendments pending.

Mr. MANN. The gentleman offered the two amendments together.

Mr. MONDELL. I offered the two amendments as one.

The CHAIRMAN. Without objection, the two amendments will be considered together.

There was no objection.

Mr. MONDELL. Mr. Chairman, I offer another amendment. Page 14, line 17, after the word "of," insert "not less than."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 17, after the word "of," insert the words "not less than."

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 24, after the word "lease," insert "which shall be not less than one-eighth in amount or value of the production."

Mr. MANN. Is there any objection to that?

Mr. FERRIS. Not at all.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. STAFFORD. I would like to have the opinion of the gentleman who offered the amendment whether the insertion of that stated amount will not be taken by the Secretary as a guide in fixing the amount of the royalty in each respective case?

Mr. MANN. This is precisely the same amount as far as the percentage is concerned that we fixed in bills relating to the California oil lands.

Mr. STAFFORD. But those bills were predicated upon the idea that the claimants had some substantial right to those lands, and that the minimum that should be paid would be one-eighth.

Mr. MANN. I think the minimum of one-eighth is high enough so far as that is concerned.

Mr. STAFFORD. My colleague from Wisconsin [Mr. LENROOT] only a little while ago referred to the present royalties that are paid.

Mr. MANN. As one-tenth; but this is higher than that.

Mr. STAFFORD. But what is the average royalty?

Mr. MANN. One-eighth.

Mr. LENROOT. Mr. Chairman, I believe the amendment ought to be adopted, because I do not think it can work any real hardship, but it is perhaps proper to state what was in the mind of the committee in not fixing a minimum so far as oil is concerned. In the making of an oil lease, unlike leases for coal or phosphates, there is no way of determining in advance what the production may be. If an oil well is discovered and the production is 10 barrels per day, the royalty ought not to be so high, probably, as if the production was 1,000 barrels per day.

Mr. MANN. But under the terms of this bill the royalty has to be fixed in advance.

Mr. LENROOT. I am coming to that. The committee discussed this, that the Secretary might provide under the general rules and regulations if the production was a certain number of barrels the royalty should be so much, and if a higher number, so much, leaving that discretion or leeway on the part of the

Secretary. But the average rate is one-eighth, paid in the California field, and if it is a very small production it certainly is not a very great hardship upon the discoverer.

Mr. MANN. So far as I am concerned, I would be perfectly willing to see one-tenth as the minimum, but I think there ought to be a minimum fixed.

Mr. LENROOT. I think, in view of not knowing the production possible, a minimum of 10 per cent might be preferred.

Mr. MANN. I ask unanimous consent to amend my amendment by inserting "one-tenth" where "one-eighth" now is.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to amend his amendment in the manner which the Clerk will report.

The Clerk read as follows:

Strike out the word "one-eighth" in the amendment and insert "one-tenth."

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, the amendment now offered by the gentleman from Illinois, and which undoubtedly will be adopted, is the amendment which I just offered and which was voted down.

Mr. LENROOT. Oh, no. The gentleman's amendment was not exceeding one-tenth.

Mr. STAFFORD. I am surprised the gentleman can not distinguish between these two amendments.

Mr. MONDELL. The gentleman says it is somewhat different.

Mr. STAFFORD. You are radically different.

Mr. MONDELL. The fact is that the amendment now offered by the gentleman from Illinois [Mr. MANN] is much better than the one he offered a moment ago. But I want to call attention to this fact. I do not think the committee was altogether wrong in leaving out a minimum in this case, and I would like to agree with the committee at least once in the discussion of this bill. We fixed a minimum royalty in the case of Alaskan coal lands, which is practically 1 per cent of the value of the coal at the pit mouth, assuming the value of the coal to be the cost of mining—$2 a ton. We fixed in this bill a minimum for coal of 2 per cent, assuming the average value of coal at the pit mouth is $1. It is a little more than that.

Now, we have fixed the minimum in the case of oil at 10 per cent of the value. I do not quite understand the philosophy of the thing. I do not quite understand why we shall require that in every case an oil lessee shall pay at least one-tenth when we provide that the coal lessee may secure his lease, unless the Secretary fixes a higher royalty, at what amounts to 2 per cent or less than 2 per cent of the value of his product. There is much more of a chance to be taken—and greater chances are taken—in the development of oil than in the mining of coal. After coal has been prospected the character of the vein is known. The market being fairly understood, the coal business is a comparatively safe one. But the oil business is at all times more or less of a gamble, always is in the beginning, and generally is so long as the operation lasts. And it does not seem to be fair to fix a royalty of 2 per cent in the case of a reasonably safe and sane business and then insist upon a minimum of 10 per cent in the case of a business which involves such desperate and gambling chances as the oil business does.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 17. That rights of way through the public lands of the United States are hereby granted for pipe-line purposes to any applicant possessing the qualifications provided in section 1 of this act to the extent of the ground occupied by the said pipe line and 10 feet on each side of the same, under such regulations as to survey, location, application, and use as may be prescribed by the Secretary of the Interior, and upon the express condition that such pipe lines shall be constructed, operated, and maintained as common carriers: *Provided*, That no right of way shall hereafter be granted over the public lands for the transportation of oil or natural gas except under and subject to the provisions, limitations, and conditions of this section.

Mr. MONDELL. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 15, at the end of line 13, insert the following:
"*Provided*, That nothing herein contained shall be held to repeal the provisions of the act approved May 21, 1896, entitled 'An act to grant right of way over the public domain for pipe line in the States of Colorado or Wyoming,' but all pipe lines built under the provisions of that act shall be common carriers."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, the proviso in this section repeals other acts that have had to do with grants of rights of way over the public lands for the transportation of oil or gas. There is an act which was passed in 1896 which I think the committee must have overlooked. It applies, however, only to Colorado and Wyoming. If this amendment is not adopted, I have another amendment that I propose to offer, making the provisions of that statute general in lieu of this section, but providing, as this section does, that they shall all be common carriers.

Let me call the attention of the chairman of the committee to some facts in reference to this particular situation. There is a general provision in this law for rights of way across public lands necessary for the utilization of the products of the lands leased. Under that general provision the Secretary could take care of all the rights of way of owners for their personal pipe lines leading to points of shipment or to tanks. The section we are now considering, however, seems to be drawn for the purpose of providing for that very class of pipe line.

The pipe lines that are really important, so far as the question of right of way is concerned, are the great carrying lines. There have already been two, over 60 miles long each, constructed in my State under the act that I have referred to. I think one of them cost $600,000. I do not know how much the other cost. Such lines are large. They are very expensive. Ordinarily they require pumping plants. The provisions of this section are not sufficiently liberal to allow the construction of one of these great lines.

Another thing, this is a grant, and as a grant it ought to contain some provision with regard to forfeiture. The law referred to in my amendment, sections 2 and 3, provides for conditions under which rights of way shall be forfeited, and I think some provision of that kind is important in any right of way that we provide in this bill.

I have no disposition to modify this section, if the committee does not desire to do it, but I would like to preserve for our people the very excellent law that we have that applies to those two States, making those pipe lines common carriers, which they ought to be. Those great pipe lines surely ought to be common carriers.

I want to say to the gentlemen of the committee that ultimately in Wyoming we shall have to build some very long pipe lines—probably several hundred miles long.

Mr. HULINGS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Pennsylvania?

Mr. MONDELL. Yes.

Mr. HULINGS. Does the gentleman contemplate making gas pipe lines a common carrier? Does the gentleman think that would be possible?

Mr. MONDELL. I did not have that in mind; but this bill provides for it. What I said applies to oil, and I do not know much about gas-carrying lines.

Mr. HULINGS. I did not know but that a gas line was in contemplation.

Mr. MONDELL. These small lines that the gentleman from Oklahoma is evidently providing for in section 17 should not in all cases be common carriers, because they are likely to be the lines of little fellows who are simply attempting to reach the nearest tank. But surely the big lines ought to be common carriers.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FERRIS. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] on yesterday called my attention to the fact that this section 17 as written in the bill did in fact repeal the law of March 1, 1896, which applies to two States only, namely, the States of Colorado and Wyoming. The gentleman was kind enough to hand me a copy of the law, which I now have in my hand, and in addition thereto I went and looked up public act 152, which seems to be the only right-of-way act we ever had. Sections 18, 19, 20, and 21 are parts of that omnibus bill which deals with the right-of-way proposition. Fearful that the committee might have been mistaken about it, and feeling that my own judgment might not be sufficient, I took the copy of the law which was handed to me by the gentleman from Wyoming, and also the old law, and went with them to the department and asked the officials there to make a careful analysis of it in order to determine, first, what we actually did and, second, to determine whether it was advisable to do what we did do.

I hold in my hand a letter in answer to both propositions. With respect to the law affecting the States of Colorado and Wyoming, they say that in the interest of uniformity that law ought to be repealed. Of course it does not have anything to do with the vested rights already acquired, but it does super-

sede that special law, and on that point this is what they say—I am not sure but that I had better read this letter, because it is not very long, and if the House will indulge me I will read it. It is addressed to me, and it says:

DEPARTMENT OF THE INTERIOR,
Washington, September 18, 1914.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: In answer to your inquiry as to whether the provisions of section 17 of H. R. 16136, known as the general leasing bill, will, if enacted, repeal the act of Congress approved May 21, 1896 (29 Stat., 127), entitled "An act to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming," and if so, whether such repeal is desirable, I have to advise you that, in my opinion, said section 17 will, if enacted, preclude the department from in future allowing any pipe-line right-of-way applications under the provisions of the said act of May 21, 1896, supra, because it provides an exclusive method for the granting of rights of way for pipe lines over the public lands of the United States, and further stipulates that no right of way shall be hereafter granted over the public lands for the transportation of oil or gas except under the provisions, limitations, and conditions of the section.

The substitution of a general provision of law governing the granting of pipe-line rights of way over the public lands generally is deemed advisable in the interest of uniformity; and it is, furthermore, deemed important and essential that conditions not contained in the act of May 21, 1896, should be imposed upon any such grants hereafter made, namely, that such pipe lines shall be permitted to use public lands only upon the condition that they shall be constructed, operated, and maintained as common carriers. Without some such provision of law the small producer may be hampered or entirely eliminated from the producing field because unable to construct a pipe line of his own and because he can not compel the pipe-line owner, who may be also an oil producer, to carry his product to the refinery or the market. Congress has already recognized the importance of regulation of such pipe lines by providing for the regulation and control of interstate pipe lines by the Interstate Commerce Commission (34 Stat., 584), but this regulation and control is, of course, applicable only to interstate lines, and affords no protection to the user or would-be user of intrastate pipe lines. As a matter of fact, many of the oil and gas pipe lines are located wholly within the confines of a single State or Territory, and it is believed that the conditions imposed by said section 17 are important and essential for the public welfare, and that it should be enacted.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Wyoming?

Mr. FERRIS. I do.

Mr. MONDELL. The gentleman notices that the point which they emphasize in their letter is that these pipe lines should be common carriers. My amendment provides that the pipe lines constructed under the Colorado and Wyoming act shall be common carriers.

Mr. FERRIS. I have not the gentleman's amendment before me, but I heard some such provision as that read. Let me proceed just a moment further and give the committee the benefit of the committee's thought on the subject. In the first place, this section was drafted by the Department of the Interior and in a conference of Senators and House Members who then had the matter in hand, and the thought was that we ought to make the pipe lines common carriers of oil wherever we could.

The gentleman from Wyoming said something to the effect that little oil producers might be forced to become common carriers when they wanted to build a pipe line for themselves. There is an answer to that statement, and it is conclusive. Little fellows, so called, do not build pipe lines. Pipe lines are built usually by big companies like the Standard Oil Co. or some arm of the Standard Oil Co. My State has several pipe lines in it. Several of them claim to be independent lines, but it is generally understood that they are mostly under the Standard Oil. They go under different organizations and names, but when you trace them down you will find that the stockholders are about the same.

Anyway, a little one-horse oil driller does not build pipe lines. Now, it is in the interest of the public, it is in the interest of consumption, it is in the interest of production to have pipe lines wherever it is possible made common carriers. The Supreme Court recently held that where they did an interstate business for the public they were common carriers. To some that Supreme Court decision may seem sufficient, but turning for a moment to this letter, I call attention to the fact that that decision would have no effect upon an intrastate line, and that our section as drafted does effect the pipe lines that do an intrastate business. That is mostly on the Pacific coast. We make them common carriers, and make them carry for one and all at the same price.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MANN. I ask unanimous consent that the gentleman have five minutes more, in order that I may ask him a question.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Oklahoma be allowed to proceed for five minutes. Is there objection?

There was no objection.

Mr. MANN. Suppose a lease is made, and the Government still owns title to the land, and the man who has the lease could not construct a pipe line for even 10 feet on Government land without it being a common carrier.

Mr. FERRIS. That is true.

Mr. MANN. Is it necessary for these people to construct pipe lines for short distances, at least, as a usual thing?

Mr. FERRIS. As a usual thing it is not. I am familiar with that proposition. Now, this is what happens: When an oil field comes in an oil driller makes a find. A big rush follows immediately. I have been through it in our State, and I know how it works. The oil people rush in and get leases, and buy and sell them, and speculate on them, and in some instances pay prices out of proportion to what they are worth. Then they go and appeal to a pipe-line company to put in a lateral. In the meantime they often store their oil in earthen tanks or ponds.

Mr. MANN. Do they not have to build a pipe line themselves to reach the lateral pipe line?

Mr. FERRIS. They do not do it in our State.

Mr. MANN. I think generally they do.

Mr. FOSTER. They do not in Illinois.

Mr. MOSS of West Virginia. They do not in any State.

Mr. FERRIS. No; they go and make an appeal to the pipe-line company to build the lateral.

Mr. MANN. Do they build it right up to the oil well?

Mr. FOSTER. They build it right up to a man's tank.

Mr. FERRIS. Of course they would not do it unless there was an oil field there.

Mr. MANN. Of course, I understand that. Now, does the gentleman think we have the power to say what shall be a common carrier wholly within a State, where it operates under a State charter?

Mr. FERRIS. I think there is no doubt about our ability to do it when they cross our land. In other words, we have the right to lay down the conditions and say to them, "This is our land. You must submit to our conditions if you cross our land."

Mr. MANN. Supposing the State of Wyoming should not permit one of these pipe lines to be a common carrier; it would have to incorporate under the provisions of that State. Could we change that for intrastate business?

Mr. FERRIS. I am not answering the gentleman very intelligently, but let me give him what this whole thing must hinge on. My thought is that the Federal Government can say "This is our territory. If you use it you must submit to our conditions. If you do not want to submit to our conditions, you must build around us." I think in that way we can enforce justice for the people.

Mr. MANN. We could say that no one who is not a common carrier shall build a pipe line, but we say here that anybody may build a pipe line. Then we undertake to say what their duties shall be wholly within the limits of a State, which is entirely without the power of Congress to do.

I should like to ask one more question. You do not limit what pipe lines are to carry?

Mr. FERRIS. I do not quite get the gentleman's question.

Mr. MANN. You say "for all pipe-line purposes." That includes not only oil, but water, and not only natural gas, but artificial gas. Is it not desirable to limit this permission to oil and natural-gas pipe lines?

Mr. FERRIS. The committee did not intend to do any more than that. Nothing more than that was considered.

Mr. MANN. I will offer an amendment to insert, after the words "pipe-line purposes," the words "for the transportation of oil and natural gas."

Mr. FERRIS. The committee did not intend to go any further.

Mr. STAFFORD. Will the gentleman yield for a question?

Mr. FERRIS. I yield to the gentleman from Wisconsin for a question.

Mr. STAFFORD. As to the pipe lines that would cross the national forests, has the committee considered whether the consent of the Secretary of Agriculture should be obtained, as under the existing practice? Of course this provision provides for rights of way over the public lands. At present the department always submits to the Secretary of Agriculture for his approval an application for a pipe-line privilege through a national forest, because the national forests are under the jurisdiction of the Secretary of Agriculture.

Mr. FERRIS. Of course the Secretary of the Interior has always had to do with the disposition of Government land, and in both the right-of-way acts that we have passed the Secretary of the Interior, who has the disposition of all the public

lands, has been left to deal with it. I take it that the two departments are in harmony.

Mr. STAFFORD. In the administration of that law the Secretary of the Interior always consults with the Secretary of Agriculture when a pipe line traverses the national forests.

Mr. FERRIS. He would in this case, and properly so.

Mr. FALCONER. Will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. FALCONER. Is it mandatory on a company like the Standard Oil Co. to run a lateral pipe line to particular oil wells if it does not want to do it?

Mr. FERRIS. If they once became common carriers and get under the jurisdiction of the Interstate Commerce Commission they come under the extensive powers of that commission, as the gentleman knows, which is something like that of the utility companies in States.

Mr. BORLAND. Mr. Chairman, is there an amendment pending?

The CHAIRMAN. There is pending an amendment offered by the gentleman from Wyoming.

Mr. LENROOT. Mr. Chairman, I wish to say a word in relation to the matter of common carriers. The amendments proposed by the gentleman from Wyoming provide that pipe lines constructed under the provisions of this act shall be common carriers. That, as the gentleman from Illinois suggests, is unquestionably beyond the power of Congress. We can not compel an intrastate corporation with its pipe line wholly within the State to become a common carrier within the State.

Mr. MONDELL. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MONDELL. The gentleman evidently understands this as a retroactive provision compelling lines that heretofore have been built to become common carriers. .

Mr. LENROOT. That would be so construed.

Mr. MONDELL. Not at all. We are amending the law, and my amendment is that all pipe lines built hereafter under this act shall be common carriers, and that is exactly what you provide in section 17. If you can not do it in my amendment, you can not do it in section 17.

Mr. LENROOT. The distinction I wish to make is that in the text there is no attempt affirmatively to make them common carriers; but here is a grant, and the grant is upon the condition that they become common carriers, even though they be within the State. If, as the gentleman from Illinois suggests, the State of Wyoming should prohibit them from becoming common carriers, then the grant over the public land fails; that is all; while with the gentleman's amendment it is an affirmative provision of law attempting to make them common carriers.

Mr. MONDELL. That is, those that are built hereafter.

Mr. LENROOT. Oh, no.

Mr. MONDELL. Well, I will move to modify it. I do not want my amendment to be defeated because it is tweedledum instead of tweedledee by an objection that does not go to the heart of the proposition.

Mr. LENROOT. It goes to the heart of the proposition that we are acting under the powers of Congress.

Mr. BORLAND. Will the gentleman yield?

Mr. LENROOT. Certainly.

Mr. BORLAND. I want to ask whether the gentleman says that Congress can not make it a condition of a grant over the public domain that the grantee shall become a common carrier.

Mr. LENROOT. Oh, no; that is the point exactly.

Mr. BORLAND. The gentleman concedes that?

Mr. LENROOT. Yes; and the grant will fail unless they do become common carriers. The gentleman from Wyoming has made some criticism of this section, and has stated that the present law relating to Colorado and Wyoming is very much to be preferred. I think there is one omission in the bill as reported by the committee that ought to be guarded, and it is my purpose at the proper time to offer an amendment. This bill later on does make provision for forfeiture of leases for violation of the act and violation of the regulations made by the Secretary, but it does not in any way apply to this section, and I believe there should be a provision for forfeiture of the grant upon failure to comply with any provisions of the act or any regulations that the Secretary of the Interior may make under it. Otherwise, regardless of all the regulations he may make, an applicant gets on the land and gets his permit and his right becomes vested at once; and, no matter how he may violate the regulations, there is no provision made for the forfeiture of the grant, and it ought not to be an irrevocable grant. As I say, at the proper time I shall offer an amendment providing for the forfeiture of the grant upon failure to comply with the provisions of the section.

Mr. MONDELL. Mr. Chairman, it is rather surprising to those of us who have heretofore listened to gentlemen who have been claiming the most extraordinary powers on the part of the Federal Government as a condition for the use of the public lands to hear them now say that Congress can not make it a condition of the use of public lands for a pipe line, that it shall be a common carrier.

Mr. LENROOT. I did not say that.

Mr. MONDELL. If it is in the bill it is so, but if it is in the amendment I offer it is not so. Certainly, Congress has the right in granting a right of way to say that that right of way shall be a right of way for a common carrier. I am surprised at these extreme federalists balking at that sort of mild proposition, simply because they did not offer it themselves, particularly when we have a section in the bill that does exactly the same thing. My amendment was intended to keep in operation a good law, one that is useful and necessary, with a provision that all of the grants made under it hereafter shall be on condition that the line shall be a common carrier. Certainly we have the right to do that or we would not have the right to do what is done in section 17.

Mr. MANN. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. MANN. Is it possible by the gentleman's amendment to provide any more liberal terms for the people to construct the pipe lines than is granted in section 17?

Mr. MONDELL. Most certainly. In the first place, it gives 25 feet on each side of the line instead of 10. In the second place, it has a provision under which those constructing the pipe line may use the material from the public land adjacent, and that is very important. Section 17 contains no such provision. Now, that is from the standpoint of the contracting parties.

From the standpoint of the public, it provides that this construction—and if you do not put it in in this bill you will have tangles of claims on the public domain that you can never get rid of—it provides an orderly method under which these rights are to be asserted, under which they are to be exercised, and under which they can be forfeited; and this section does not contain anything of the sort.

Mr. MANN. There is no provision here, except the matter of making regulations, so far as the public is concerned. I do not see how the other people are any worse off under it.

Mr. MONDELL. They are worse off as to the difference between 50 feet and 10 feet—between getting material and not getting it.

Mr. MANN. They will get the timber on 50 feet. Of course, 20 feet is wide enough to construct a pipe line.

Mr. MONDELL. No; it is not wide enough to construct one of these great lines over a rough country. The width is not great enough, and there is no opportunity to get the necessary material from the adjacent lands. On the other hand, unless you amend this section 17, it will not be long until you have a lot of rights asserted with no attempt to utilize them, which will block actual construction. You are simply opening the way for a lot of conflict. This provision in section 17 is not in the interest of the pipe-line man or of the general public.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I want to say that in the main I believe the amendment offered by the gentleman from Wyoming [Mr. MONDELL] is good, and I regret to see this law, which is applicable to the States of Colorado and Wyoming alone, thus wiped off the statute books, because it has been a good law and nobody has ever complained of it. It is a better law than this one. But, at the same time, I do not feel that there ought to be isolated legislation for one or two States; and I feel that if this proposed law works all right we can operate under it in our State, and if it does not, then we hope to come back here some time and amend it.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. BORLAND. Do I understand that there is a law on the statute books applying only to the States of Colorado and Wyoming?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. BORLAND. How does that happen?

Mr. TAYLOR of Colorado. The enterprising gentleman from Wyoming [Mr. MONDELL] secured the passage of that law several years ago.

Mr. BORLAND. Is not that special legislation of rather a peculiar type?

Mr. TAYLOR of Colorado. Not necessarily. It applies only to oil and gas rights of way over the public domain in those two States.

Mr. BORLAND. If that is good, why can it not be made general?

Mr. TAYLOR of Colorado. It ought to be made general and put into this bill.

Mr. BORLAND. I regret very much to see legislation applying only to two States.

Mr. TAYLOR of Colorado. That has been the condition for a good many years, and, as I say, I think that law ought to be inserted in this bill in lieu of section 17, but at the same time the committee has taken a different view, and I am not disposed to quarrel with the committee about the matter. I think Colorado can operate under this bill if any of the States can. I think the provisions of this section in the bill, the same as some other sections, should be more liberal. But I have expressed myself on this bill at great length in my minority report and in my speech on the bill, and I will therefore not offer any special opposition to this section at this time.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 15, line 2, after the word "purposes," insert the words "for the transportation of oil and natural gas."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. HAWLEY. Mr. Chairman, I move to strike out the last word. I submit the following as a study in government, which I think will be of interest to the Members of the House and to others. It is also an estimate of the chance for passage through the House any bill may have, and the proportion of bills introduced by a Member he may expect to have passed under the existing parliamentary procedure.

There have been introduced in the House during this Congress to September 15, 1914, during which time the House has been in session some 17 months, bills and resolutions as follows:

Bills	18,819
House joint resolutions	346
House resolutions	620
Total	19,785

Of these 12,535 were pension bills and referred to the—

Committee on Invalid Pensions	9,824
Committee on Pensions	2,711
Total	12,535

Deducting the pension bills from the total number introduced, there remain 7,250 bills and resolutions relating to other matters. From this number and from Senate bills and resolutions passed by the Senate and sent to the House the committees of the House have reported—

To the Union Calendar	330
To the House Calendar	199
To the Private Calendar	432
Total	961
Deducting from this total the Senate bills and resolutions which have been reported	215
There remains a net total of House bills and resolutions reported	746

That is 10 out of every 100 such bills have been reported, or 10 per cent.

Of the numbers so reported the House has taken action on bills and resolutions—

On the Union Calendar	203
On the House Calendar	131
On the Private Calendar	301
Total	635
Deducting from this total the Senate bills and resolutions passed by the House	155
There remains a net total of House bills and resolutions acted on by the House	480

That is, 6.6 out of every 100, or not quite 7 per cent, of the bills and resolutions other than pension bills have so far been acted on by the House.

Thus a Member of the House may expect on the principle of averages to have the House act on some 7 out of every 100 bills he introduces, exclusive of pension bills. There is necessarily the possibility of an element of error arising out of the combining of several bills into one by committees in reporting bills, or on account of Senate bills reported in lieu of House bills, but this would not materially affect the percentage given above. And as this Congress has now been in session some 17 months, the percentage may be greater on that account than it usually is.

Of the 2,711 bills referred to the Committee on Pensions some 360 were reported by that committee and acted on by the House; that is, 13 out of every 100, or 13 per cent.

Of the 9,824 bills referred to the Committee on Invalid Pensions some 1,670 were reported by that committee and acted on by the House; or 17 out of every 100, or 17 per cent.

Or, taking the two pension committees together the percentage thus obtained would be 16 out of every 100, or 16 per cent.

On the basis of 435 Members of the House and of 480 House bills, other than pension bills, acted on by the House, each Member should have had passed one bill and a small fraction over during this Congress so far to have had his average share; that is, 1 bill in 17 months; and in addition to this less than 5 pension bills during the same time. Since the committees of the House at times combine several bills into one, or report Senate bills in lieu of House bills on the same subject or incorporate bills as items in appropriation bills, the bills introduced by any particular Member may have had action taken upon them other than by reporting the bills as introduced by him.

The work done by a Member of the House in securing the passage of bills introduced by him is usually but a small proportion of his service to his constituents and to the country. His work as a member of the committees to which he is assigned; upon bills, not introduced by him, pending before other committees and which usually include all general legislation; upon appropriation bills; before the executive departments; in taking care of his correspondence and complying with the requests of his constituents; his attendance upon the sessions of the House—these comprise by far the greater proportion of his work. Some Members have a correspondence—that is, send out—of from 30,000 to 35,000 personal letters in the course of a Congress in connection with their public duties.

I have not attempted to give any estimate as to the numbers or percentages of House bills that will finally become laws during the Sixty-third Congress, as this Congress will not terminate until March 4, 1915, and all bills will live until that date. But it is safe to say that many of the bills passed by the House thus far will not be passed by the Senate during the Sixty-third Congress and that some will be vetoed.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

In lieu of section 17, page 15, insert the following:

"That the right of way through the public lands of the United States is hereby granted to any applicant qualified under this act, any pipe-line company or corporation formed for the purpose of transporting oils, crude or refined, which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation and due proofs of its organization under the same, to the extent of the ground occupied by said pipe line and 25 feet on each side of the center of line of the same; also the right to take from the public lands adjacent to the line of said pipe line, material, earth, and stone necessary for the construction of said pipe line.

"That any company or corporation desiring to secure the benefits of this act shall within 12 months after the location of 10 miles of the pipe line if the same be upon surveyed lands, and if the same be upon unsurveyed lands, within 12 months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its line, and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such right of way shall pass shall be disposed of subject to such right of way.

"That if any section of said pipe line shall not be completed within five years after the location of said section the right herein granted shall be forfeited, as to any incomplete section of said pipe line, to the extent that the same is not completed at the date of the forfeiture.

"That nothing in this act shall authorize the use of such right of way except for the pipe line, and then only so far as may be necessary for its construction, maintenance, and care.

"That all pipe lines built under the provisions of said act shall be common carriers."

Mr. MONDELL. Mr. Chairman, the amendment as I sent it up is the so-called Colorado and Wyoming pipe-line law, with a provision making all pipe lines constructed under it common carriers. I offer that as a substitute for this section, for various reasons. First, the provisions of this section are not liberal enough to enable people desiring to do so to construct the great carrying pipe lines which we are attempting to provide for. Gentlemen seem to think it is not necessary to make any special provision for the small lines of the operator, and that all that is necessary is to make provision for the great carrying lines. Those lines are most of them of considerable length. The two that have been constructed in my State so far are each some sixty-odd miles in length. A line is now under contemplation which will be much longer than either of those lines. Eventually, we will have to cross the State, and probably cross a large portion of the State of Colorado with a main pipe line. At least 50 feet right of way is needed, and opportunity to use material on either side is needed to make the construction of these pipe lines practicable. Of course the right which is secured is only the right to use the land for pipe-line purposes and does not interfere with the use of the land otherwise by the owner in any way.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BORLAND. Mr. Chairman, as I heard the gentleman's amendment read, it applied only to oil. Was that the intention?

Mr. MONDELL. Oil and gas.

Mr. BORLAND. I did not hear the word "gas."

Mr. MONDELL. I think the original law applied to oil and gas. The gentleman from Wisconsin [Mr. LENROOT] has a copy of that law. I intended that it should, and if it does not, I would want it to apply to gas.

Mr. BORLAND. I supposed the gentleman would.

Mr. MONDELL. My recollection is that the old law applied to oil and gas, but possibly not. If it did not, I would ask to amend my amendment in that respect. So much for the provisions that it seems to me are essential for the interests of the pipe lines themselves.

Now as to the provisions which are necessary for the protection of the public. The present section 17 has no provision whatever with regard to forfeitures under the law. The committee evidently believe that regulations could be drawn that would cover the subject. Well, we should bear this in mind, that where we make a grant, as we do in this case, that grant is not subject to overmuch regulation by the Secretary of the Interior, except as we expressly provide. If we give the Secretary authority to do a certain thing, we give authority to do it under general regulations; but if we give to a citizen of the United States a grant, that grant is not conditioned on anything except such conditions as would be necessary to make the grant effective. The section contains no provision under which the Secretary could insist upon speedy construction, under which he could insist upon completion within a certain time, and, more important than that, it contains no provision under which these rights should be forfeited. Without provisions of this kind the public domain would soon be strewn and covered with these asserted easements, which would, each and every one, affect the title of the owner of the land and, to a certain extent, reduce the value of his property; and yet if not used they would serve no useful purpose. A man's estate might be hairlined with these claimed rights of way, none of them forfeited, and in the course of time that all might be so burdened with these asserted rights that it would be practically of no value. That condition arose even under a fairly well-guarded law some years ago in regard to railroads; of course not to the extent I have suggested it might under this pipe-line provision, but to such an extent that it was necessary to introduce an act of Congress for the cancellation of these asserted rights, which were clouding titles, rights where no attempt had been made to construct the roads on behalf of which the right had been asserted. The section as it stands will not do at all. That is clear in the first place, and it does not give the intending builder of pipe lines the space that he needs and the material that he needs. The section does not protect the public at all; it simply gives a chance to cover the public domain with claims for pipe lines which never can be removed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

Mr. BORLAND. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add at the end of line 13 the following:
"*Provided*, That all pipe lines for the transportation of oil or natural gas, now or hereafter constructed, are hereby declared to be common carriers and included within the provisions of the act to regulate commerce, as amended by the act approved June 18, 1910."

Mr. TAYLOR of Colorado. Mr. Chairman, the chairman of the committee day before yesterday made a point of order against a similar amendment to this bill offered by the gentleman from Kansas [Mr. ANTHONY] and the Chair sustained it as not being germane to this measure. It seems to me this is the same in substance, and the Public Lands Committee never having considered this matter, I do not feel that it is proper to put that provision in this bill at this time or in this way.

Mr. MONDELL. Can the gentleman reserve the point of order?

Mr. TAYLOR of Colorado. I make the point of order on behalf of the committee.

Mr. BORLAND. I hope the gentleman will withdraw his point of order.

Mr. TAYLOR of Colorado. I will withhold it for the present.

Mr. BORLAND. The amendment to which the gentleman refers was not the same as this.

Mr. TAYLOR of Colorado. This bill pertains to the public domain of the public-land States only. It does not cover the whole of the United States nor the question of common carriers in the Eastern States. This is solely a public-land measure for our extreme western public-domain States.

Mr. BORLAND. That was not the point of order on which the gentleman from Kansas was ruled out the other day. This is entirely different. Will the gentleman withdraw the point of order?

Mr. TAYLOR of Colorado. No; I do not withdraw it. I have not any objection to this class of legislation. As a proposition of law I am in favor of the provision offered by the gentleman from Missouri, but I do not feel that it ought to go in this bill. The object of this bill is to encourage the development of the Government's natural resources on the public lands—for prospecting on the public domain. My thought is that the proposed amendment is entirely foreign to and in no way germane to any of the objects or purposes of this bill. This bill has nothing to do with existing pipe lines in the older States.

Mr. BORLAND. There is no reason that it is not germane, except that it affects existing pipe lines. That is the difference.

Mr. TAYLOR of Colorado I do not feel that in a bill affecting only the public lands we should take up a subject of interstate commerce, as this proposed amendment is. Our committee never had this subject presented to us or considered it. In fact, we had no jurisdiction to consider such a subject. This is a matter which ought to go before the Committee on Interstate and Foreign Commerce. The committee can not permit this bill to be loaded down with all sorts of provisions that have no proper place in this bill and that should be and are covered by separate bills. I am simply voicing the sentiment of the Public Lands Committee.

Mr. BORLAND. Nobody raises that particular objection.

Mr. TAYLOR of Colorado. I feel, and the members of our committee feel, that this offered amendment has no place on this bill. On behalf of the committee I must object to the bill being encumbered with irrelevant material that necessarily provokes discussion and jeopardizes the passage of this measure.

Mr. BORLAND. I hope the gentleman will withdraw his point of order. I would like to discuss the bill.

Mr. TAYLOR of Colorado. I will reserve it.

Mr. BORLAND. I will discuss the point of order, although I would rather discuss the merits of the bill. If this proposition to make these pipe lines common carriers is a good proposition—and evidently it is, as it seems to be the consensus of opinion on both sides of the House—there is as much reason for it to apply to existing pipe lines as to future pipe lines.

Mr. LENROOT. But the gentleman does not contend it is germane to this bill?

Mr. BORLAND. Yes, I do; in some degree.

Mr. LENROOT. I do not think so.

Mr. BORLAND. This bill says it is a bill to authorize explorations for and disposition of coal, phosphate, oil, gas, potassium, or sodium——

Mr. LENROOT. On public lands of the United States.

Mr. BORLAND. And the disposition of oil and gas. That is what the purpose of this bill is——

Mr. LENROOT. Upon the public lands of the United States.

Mr. BORLAND. Not necessarily; it does not say so.

Mr. LENROOT. That is the subject to which it relates.

Mr. BORLAND. It does not say so. Of course the body of the bill refers to the disposition of oil, gas, and so forth, upon lands that are owned by the United States, but the purpose of the bill provides for the disposition of these natural products. That is the only thing that can be said on the question of germaneness, that the bill might cover oil and gas produced on land that is not the property of the United States.

Mr. LENROOT. It does not now.

Mr. BORLAND. That is the only objection I can see to this present amendment, that it might embrace oil and gas not produced on lands belonging to the United States.

But the bill evidently seems to be broad enough to provide for the disposition of these natural products. Now, here is the point about the matter, Mr. Chairman. This bill is a conservation bill. It is intended to preserve and utilize these great natural products. There is a large amount of this natural gas that is now going to waste and is not being utilized at all because of this very lack of transportation facilities. If the oil and gas and pipe lines were common carriers it would be a distinct step in the conservation movement of the United States. Large quantities of this oil and gas are produced on public lands or on Indian reservations. There is hardly any of it now produced on strictly private land, and it is a little bit technical to say that because this might overlap on some private

lands that it does not belong in this bill. In the main it belongs in this bill, because 95 per cent of it will affect oil and gas upon the public domain.

The CHAIRMAN. Does the gentleman from Colorado insist on his point of order?

Mr. TAYLOR of Colorado. Yes. I feel it my duty to the Public Lands Committee to object; and if I do not, there are several other members here who would, because that provision is not proper on this bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BORLAND. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Missouri offers another amendment, which the Clerk will report.

The Clerk read as follows:

Page 15, line 11, after the word "lands," insert "including Indian reservations."

Mr. BORLAND. Mr. Chairman, I expect there is no opposition to that proposition. I ask for a vote on it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

Mr. LENROOT. Mr. Chairman, I do not think this amendment should be adopted at this point. It seems to me if we are going to take care of the Indian reservations it should be done in one proposition. The gentleman from Texas [Mr. STEPHENS], I understand, will have such a proposition to offer later on. I do not believe it should be done by piecemeal now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BORLAND].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. BORLAND. Division, Mr. Chairman.

The committee divided; and there were—ayes 4, noes 14.

So the amendment was rejected.

FORTY-FOOT CHANNEL—BOSTON HARBOR.

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter from the directors of the port of Boston.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD by printing the paper referred to. Is there objection?

There was no objection.

The following is the letter referred to:

THE COMMONWEALTH OF MASSACHUSETTS,
Boston, September 17, 1914.

Hon. ALLEN T. TREADWAY, M. C.,
Washington, D. C.

DEAR CONGRESSMAN TREADWAY: The directors of the port of Boston respectfully request the Massachusetts Representatives to bring to the attention of Congress as emphatically as possible the necessity of favorable action on the project for a 40-foot channel for Boston Harbor.

The 40-foot channel at New York and the 35-foot channel at Boston each took about 15 years to complete, and a 40-foot channel at Boston started in 1914 would not be ready until 1929 or 1930, at which time it would undoubtedly then be none too large to handle the big ships coming into service every year.

The original recommendation of the United States engineer at Boston, duly approved by the division engineer at New York, for $3,845,000 was cut, we understand, by the Board of Engineers to $1,545,000 and forwarded approved by the Chief of Engineers to Congress, where it now appears in the rivers and harbors bill still further reduced to $400,000, which is 10 per cent of the original recommendation and only 25 per cent of the amount approved by the Board of Engineers and by the Chief of Engineers.

Massachusetts is not asking the National Government to improve Boston Harbor unaided and alone, but is cooperating in a most substantial manner, having actually expended from 1870 to September 1, 1914, the sum of $10,787,262.12, of which $5,406,138.79 was spent under the jurisdiction of the State harbor and land commission and $5,381,123.33 by the directors of the port of Boston.

Each port should have a channel suitable to the kind of vessels which are naturally attracted to it.

On account of the Interstate Commerce Commission allowing a "differential freight rate" to more southern ports than Boston and New York, these two cities must secure the big express, combination freight and passenger boats, using the passenger business as the inducement to offset the "differential," and thereby compensate the steamship lines for their loss of freight.

These boats, carrying from several hundred to several thousand passengers, should not be forced to wait for the tide in order to enter or leave port. At New York they are not so prevented, for there they have a 40-foot channel. At Boston they are prevented, for here they have not.

The directors will be in Washington on Thursday next (September 24) and would like to arrange a conference with the Massachusetts delegation to take action in the matter.

May we hear from you at your earliest convenience?

Very truly, yours,

EDW. F. MCSWEENEY, *Chairman.*

Copies of this letter are being sent to all Massachusetts Congressmen.

EXPLORATION FOR COAL, ETC.

Mr. LENROOT. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 15, line 13, at the end of the section insert:

"That failure to comply with the provisions of this section or the regulations prescribed by the Secretary of the Interior shall be ground for forfeiture of the grant by a court of competent jurisdiction in an appropriate proceeding."

Mr. LENROOT. Mr. Chairman, just a word. I think the point of the gentleman from Wyoming was well taken, that in the language as it stands in the bill there is no provision for forfeiture or enforcing the rules and regulations made by the Secretary, and this amendment I have offered seeks to cure that defect in the section.

Mr. MONDELL. Mr. Chairman, if the gentleman from Wisconsin had said that the amendment which he offered was intended to cure——

Mr. LENROOT. That is what the gentleman did say.

Mr. MONDELL. I understood the gentleman to say that it did cure. I have no doubt it was intended to cure, but I doubt if it does cure, because it is not sufficiently definite. It simply turns over to the Secretary of the Interior authority to make rules and regulations, and the probability would be that the first time you attempted to clear a piece of land of one of these claimed rights the court would hold that the rules and regulations laid down by the Secretary were not in harmony with the spirit of the law, and therefore the grant could not be forfeited. We have not a right-of-way act, so far as I now recall, that does not contain as a part of the statute clear provisions as to what the claimant must do in order to establish his right.

It may be that we can legislate to give the Secretary the right to establish rules under which these matters can be provided for, but I very greatly doubt it. I think that the probability is that the rules and regulations which the Secretary might make would be held by the courts not in accordance with the provisions of the law or the spirit of the law—in excess of his authority—and so you would be right back where you started, without any provision, except as Congress itself might step in some time in the future and wipe out these rights. I do not suppose it is possible to secure the adoption at this time of the sort of legislation that we ought to have, and the amendment of the gentleman from Wisconsin is better than none.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FOSTER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6505. An act to amend sections 11 and 16 of an act to provide for the establishment of Federal reserve banks, etc., approved December 23, 1913, and commonly known as the Federal reserve act;

S. 6440. An act to authorize the Chicago, Milwaukee & St. Paul Railway Co. and the Chicago, St. Paul, Minneapolis & Omaha Railway Co. to construct a bridge across the Mississippi River at St. Paul, Minn.

The message also announced that the President had approved and signed joint resolutions and bills of the following titles:

September 10, 1914:

S. J. Res. 151. Joint resolution authorizing the President to accept an invitation to participate in an international exposition of sea-fishery industries.

September 15, 1914:

S. J. Res. 121. Joint resolution authorizing the Secretary of War to furnish one United States garrison flag to William B. Cushing Camp, No. 30, Sons of Veterans;

S. 1171. An act for the relief of Samuel Henson;

S. 1270. An act for the relief of Edward William Bailey;

S. 13969. An act for the relief of the Snare & Triest Co.; and

S. 4182. An act to authorize the installation of mail chutes in the public building at Cleveland, Ohio, and to appropriate money therefor.

EXPLORATION FOR COAL, ETC.

The committee resumed its session.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to return to page 9, just before the oil and gas heading, for the consideration of a separate section that pertains to the phosphate division instead of to the oil and gas.

Mr. FERRIS. Reserving the right to object, the gentleman's amendment is the substance of a bill that the committee has reported out for the phosphate claimants similar to the relief that we gave to the oil claimants.

Mr. FRENCH. Yes. These are rights that have already been vested; some patents have been issued, and others would have

been issued if it had not been for the court decision about two years ago that entries should have been made under the lode instead of the placer act.

Mr. FERRIS. I think it ought to be done. I have no objection to it.

Mr. LENROOT. Is the amendment offered a bill that has passed the House?

Mr. FRENCH. It is a bill as it was reported to the House. It is on the calendar.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to return to page 9 and to offer an amendment, which the Clerk will report.

The Clerk read as follows:

SEC. 13. That where public lands containing deposits of phosphate rock have heretofore been located in good faith under the placer-mining laws of the United States and upon which assessment work has been annually performed, such locations shall be valid and may be perfected under the provisions of said placer-mining laws, and patents whether heretofore or hereafter issued thereon shall give title to and possession of such deposits: *Provided*, That this act shall not apply to any locations made subsequent to the withdrawal of such lands from location, nor shall it apply to lands included in an adverse or conflicting lode location unless such adverse or conflicting location is abandoned.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

Mr. STAFFORD. Reserving the right to object, I think there should be some explanation of it before consent is given.

Mr. FRENCH. I would be very glad to explain. The situation is this: Prior to December 12, 1912, it was uncertain whether or not entries of phosphate land should be made under the placer or lode mining laws. So late as June 3, 1909, the very parties concerned in this bill were interested in the southern part of Idaho and were in a dilemma in the matter of whether or not they should make their entries under the placer or lode mining laws. The attorney for the group of entrymen wrote to the Secretary's office a letter of inquiry and received a letter from the First Assistant Secretary, Mr. Frank Pierce, dated Washington, June 3, 1909, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 3, 1909.

Hon. E. B. CRITCHLOW,
Salt Lake City, Utah.

MY DEAR CRITCHLOW: I have yours of the 28th ultimo with reference to placer locations made by R. J. Shields on phosphate lands in southern Idaho, and note the dilemma of the situation. Scientific men differ upon the character and formation of these phosphate deposits. On account of this difference of opinion I have announced that the claims could be patented under either act and the patents will be valid. If the first locations of the ground are under the placer act, placer patents will be issued. If, however, the first are under the lode act, lode patents will be issued. This is on the assumption that the record in each case is free from fraud and shows that the work required by the Government was fairly done. My point is that the first locator, whether his location be made as a placer or as a lode, ought to and will be protected.

Very respectfully, yours, FRANK PIERCE,
First Assistant Secretary.

On December 12, 1912, in the Harry lode mining claim, the Federal court decided that entries of phosphate lands should be made under the lode laws, and in harmony with that decision the department from that date on has declined to issue patents under the placer law, notwithstanding the letter of the department to these very people indicating that the department would issue patents under either law, assuming that the law had been complied with, and that patents would go to the one whose entry was made first. Several entries were made under both of these laws, many under the lode laws, and several under the placer laws. Quite a number of patents were issued under the placer law, and there are something like 57 entrymen whose claims had not passed to patent at the time of the decision, and consequently those entrymen are not entitled to receive patents under the holding of the department.

This amendment would give the Interior Department authority to issue patents and to issue new patents in lieu of those that were issued under the placer-mining law. The department is heartily in favor of this legislation and has recommended it, and the equities are all with this little group of entrymen under the placer-mining law, who in fact made their entries, not knowing which ultimately would be decided as the correct way in which to make them, but under the distinct advice of the department that entry either under the lode or placer mining laws would be regarded as sufficient.

Now, there is a question with regard to the reissue of patents in the several cases where patents have already been issued. It happens very peculiarly that if the entryman knew that the land that he was applying for contained phosphate, notwithstanding his patent under the placer-mining law, a contestant might contest his right of entry and win it over him by filing under the lode-mining law, simply because the entryman knew that there was phosphate there. Of course it is impossible for these placer entrymen to acquire their entries without knowing that there was phosphate there, and as the result these entrymen who have their patents are not protected, and therefore it is necessary for the measure to protect them, as well as to authorize relief to be granted to the entrymen whose claims have not already passed to patent.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Idaho yield to the gentleman from Wisconsin?

Mr. FRENCH. I will be glad to yield.

Mr. STAFFORD. How many claims would this provision apply to?

Mr. FRENCH. To about 57.

Mr. STAFFORD. Is it so framed that it can not apply to any subsequent claimants?

Mr. FRENCH. Undoubtedly. It applies to the 57 claimants whose claims are now pending, where patents have not been issued, and to 4 or 5 where patents were issued before the court's decision.

Mr. FOSTER. How many acres are involved—can the gentleman tell us—in each one of these 57 claims?

Mr. FRENCH. Not the same amount in each case. The entire acreage would be approximately 122,000 acres.

Mr. STAFFORD. What is the estimated value of the lands under these claims?

Mr. FRENCH. Well, the lands are located for the most part in a section of country that is not being farmed and that is not desirable for agricultural purposes.

Mr. STAFFORD. The mineral deposits, I assume, are very valuable?

Mr. FRENCH. I have no idea what these mineral deposits are worth. These entrymen could perfect their entries under the lode laws. These lands have already been withdrawn and placed within a phosphate reserve, and if they could be eliminated, as the department officials suggest in their report, and these men allowed to begin at the beginning and prove up again under the lode-mining laws, they could win out in that way. But the department realizes that that is not right with respect to these entrymen who followed the advice of the department as nearly as they could and relied upon the judgment of the department that their patents would be issued whether their entries were made under the lode law or under the placer-mining law, and who have complied with the law, doing assessment work, and all that, under the placer-mining law.

Mr. STAFFORD. When I read the letter of the Assistant Secretary the query arose in my mind as to why they did not avail themselves under the lode law if they could not under the placer law?

Mr. FRENCH. As a matter of fact, the unreasonable thing in the whole matter to me is that any decision should have been made that regarded that land as available for entry under the lode law instead of the placer law. It seems to me there is every reason why the opinion of those urging the placer-law entries should have prevailed. That would have been my judgment.

Mr. STAFFORD. What additional acreage do they receive under the placer law rather than under the lode law?

Mr. FRENCH. It would not make any difference as to that.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield.

The CHAIRMAN. Does the gentleman from Idaho yield to the gentleman from Colorado?

Mr. FRENCH. Yes.

Mr. TAYLOR of Colorado. Is not the gentleman mistaken in his figures there? How can 57 claims make 122,000 acres?

Mr. MONDELL. Nine thousand one hundred and eighty acres is the most it could be.

Mr. TAYLOR of Colorado. The gentleman from Idaho is clearly in error to the extent of about 100,000 acres.

Mr. MONDELL. My understanding is that it is about 5,000 acres, really.

Mr. TAYLOR of Colorado. How could the gentleman from Idaho figure that amount? Each claim would have to be 2,140 acres.

Mr. FRENCH. I was quoting from memory. I do not have the figures here.

Mr. TAYLOR of Colorado. The total of it would be 160 acres each.

Mr. FRENCH. When my attention is called to it I realize that I overstated it, and it is a smaller amount rather than a larger amount. It is less than 10,000 acres.

Mr. STAFFORD. Are these claims based on the expenditure of money in development, like the case represented by the gentleman from California [Mr. CHURCH] in connection with the oil wells in California?

Mr. FRENCH. Absolutely. They have done their work right along; and the amendment provides that unless it has been established that they have complied with the law the patent does not issue.

Mr. STAFFORD. Of course, they get an absolute fee to this land, whereas under the existing law they would receive only a lease, except for that limited portion which they obtain by virtue of discovery?

Mr. FRENCH. Yes.

Mr. FERRIS. Mr. Chairman, will the gentleman yield to me?

Mr. FRENCH. Yes.

Mr. FERRIS. Mr. Chairman, inasmuch as there seems to be a little discrepancy about the acreage, would the gentleman from Idaho have any objection to giving the gentleman from Illinois [Mr. FOSTER] and the gentleman from Wisconsin [Mr. LENROOT] a little time in which to look up the acreage? I hope later on the gentlemen will be satisfied to let us go back, but in the meantime will the gentleman allow us to proceed with the bill?

Mr. FRENCH. I do not think there is any question about the acreage, since my attention has been called to it.

Mr. FERRIS. I thought the gentleman was mistaken when he said 120,000 acres were involved. I thought it was five or six thousand acres, and that makes a discrepancy that startles the House.

Mr. MONDELL. Does the gentleman know how many claims there are?

Mr. FRENCH. Yes. There are 57, and then there are four or five on which patents have already issued.

Mr. MONDELL. In the maximum it would be 9,420 acres; that is, if they were all maximum claims. My understanding is that not half of them are maximum.

Mr. FOSTER. Mr. Chairman, I will ask the gentleman to withdraw his amendment and we will take it up later.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FRENCH. I withdraw it at this time, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

POTASSIUM OR SODIUM.

SEC. 18. That the Secretary of the Interior is hereby authorized and directed, under such rules and regulations as he may prescribe, to grant to any applicant qualified under this act a prospecting permit which shall give the exclusive right to prospect for chlorides, sulphates, carbonates, borates or nitrates of potassium or sodium, or associated similar salts concentrated in desert basins on public lands belonging to the United States for a period of not exceeding two years: *Provided*, That the area to be included in such permit shall not exceed 2,560 acres of land in reasonably compact form.

Mr. MONDELL. Mr. Chairman, on page 15, in line 21, I move to strike out the words "concentrated in desert basins."

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 15, line 21, strike out the words "concentrated in desert basins."

Mr. MONDELL. Mr. Chairman, this language is merely descriptive, and might in some case defeat the purpose of the law. Wherever these salts are found on public lands, I assume it is the intent of the committee that that law shall apply. These particular salts are frequently and perhaps generally concentrated in desert basins, but we are likely to find these same salts far beneath the surface, where at the present time there is no desert basin, and the question would be, Was this description intended to apply to present conditions or to the conditions at the time the deposit was laid down? The language is superfluous, at least. I should like to call the attention of the gentleman from California [Mr. RAKER], who criticized an amendment that I offered the other day using the words "reasonably compact form," to the fact that the words "reasonably compact form" as used here are without any qualification. The language seems to have been entirely satisfactory to the committee in this case.

Mr. RAKER. Will the gentleman yield there?

Mr. MONDELL. Yes.

Mr. RAKER. Most of those basins or lakes are in all kinds of shapes—circular, rectangular, and every other shape. If you get the deposit in the bed of an old lake, you will take it just as you find it.

Mr. MONDELL. Oh, no; you will not.

Mr. RAKER. And around the sides there may be hills and mountains in every shape.

Mr. MONDELL. You will not do anything of the kind with any of these lands. They will be in rectangular form, all of them, and they will be in reasonably compact form. No man will be allowed to take a strip of forties 4 or 5 miles long or to take his lands in the shape of an oval. But that is aside. The question is on the elimination of these words, which seem to me to be superfluous. The question is whether they apply to the conditions when the salt was deposited or whether they are intended to apply to the conditions as they now exist. In the latter case it might defeat the taking of certain lands where the salts were deposited in desert basins, but where the deposits now are not below desert basins.

Mr. GRAHAM of Illinois. Is not the phrase "concentrated in desert basins" intended to limit exploration to areas where the product is usually found, whereas in other areas where the ground is broken or uneven the exploration may have to be carried on in a different way?

Mr. MONDELL. I did not suppose that was the intent of the committee; perhaps it is.

Mr. GRAHAM of Illinois. My understanding is that when these salts are found in desert basins they are readily found. They have simply gathered there in a natural way and are easily and cheaply found; but they may be found elsewhere under very different conditions, making it more difficult to find them and more expensive to get them out.

Mr. MONDELL. If the gentleman will allow me, we have in the State of Wyoming a valuable sodium deposit. It is not in a desert basin. It is not the most fertile land in the world, but it is far from being a desert basin. It is up on a reasonably fertile plateau that is being irrigated. They penetrate into what was once a desert basin, and there secure these sodium salts. They pour water down, dissolve the salts, and pump up the salts in solution. Of course these salts were originally deposited in desert basins, but they will be found now in all sorts of localities, covering what were desert basins. I assume the committee did not intend to limit explorations or leases under the law, but intended to allow this to be done wherever these deposits are found on the public lands. There is no reason why it should not apply everywhere to the public lands. I presume there are other conditions under which these salts, some of them, are found, but why not leave them also?

Mr. FERRIS. Mr. Chairman, the gentleman may be correct. I am not ready to say he is not. The committee do not know very much about potassium or sodium; at least I do not, and I do not think the committee do. We were fortunate enough to have sitting right at our elbows Dr. Smith, the head of the Geological Survey, and a representative of the Bureau of Mines, who helped to draw the section. There is no use in trying to tell the House that we know all about potassium and sodium, because we do not; and there is no use in the Members of the House trying to think that we understand these geological terms, for we do not; but if the House will permit, I should like to present two short justifications, one by the Interior Department and one by the Geological Survey, so that we may have at least some idea of what we are doing. The Geological Survey in support of section 18 has the following to say:

POTASSIUM OR SODIUM.

SEC. 18 (a) The areas in which valuable soluble salts may be found are by no means sufficiently known to obviate the necessity of a temporary prospecting permit. The Government is at the present time conducting expensive drilling operations in an endeavor to locate potassium salts. The War and Navy Departments are intensely anxious to discover nitrate supplies which may be used in the manufacture of ammunition, and there remains much exploratory work to be done before the soluble-salt resources of the country are known and located.

(b) The acreage granted should be sufficient in every case to warrant the installation of an adequate plant for the mining and treatment of the material to be produced. Many of these salts occur as rather superficial deposits, of no great thickness, but of wide extent. In such cases 2,560 acres will be by no means too great an area for the establishment of an industry. In case of richer deposits the Secretary is authorized under this bill to restrict the leasehold to appropriate smaller areas.

Now I will proceed to read what the Bureau of Mines have to say in support of section 18:

SEC. 18. (a) While a number of areas of salts, chlorides, etc., have already been located and are known to exist it, perhaps, can hardly be said that all such areas in existence in the desert or arid regions of the West have been located. Where the salts occur in the form of brine, they unquestionably are visible from the surface, but in desert basins where the drainage carries such salts underground, it requires the same character of prospecting operations as is required to locate oil and gas deposits. Under these circumstances the prospector for these potassium salts should be given the same protection that is given the prospectors for oil and gas.

(b) Two thousand five hundred and sixty acres may seem large as one deposit, but when it is considered that the potassium salts represent but a very small percentage, probably from 2 to 5 per cent of the total deposit, it will be realized that a very large area is necessary in order to assure the continued production of such salts for a reasonable period of time. The low percentage of these salts in the deposits requires the working of a large area in order to extract any great quantity of the mineral, and plants necessary for the treatment of the salts must necessarily be located in inaccessible regions where transportation costs are high and where nature imposes all sorts of natural obstacles and difficulties in the way of procuring supplies and the installation of equipment. Under such circumstances no one would feel justified in attempt-

ing the expenditure unless he were assured that there would be a sufficient supply to justify such expenditure and to insure a reasonable life to the plant. Again, this is a permissible maximum which does not by any means mean that the maximum will be allowed in all cases.

Those two justifications, of course, do not quite answer the gentleman from Wyoming, and I have nothing more to add. If the committee think the amendment ought to be agreed to, I have no objection to it.

Mr. MANN. Will the gentleman yield for a question?

Mr. FERRIS. I yield.

Mr. MANN. Is there any other law now which would permit the entry of any of these deposits?

Mr. FERRIS. I do not think there is. They are all withdrawn. As I recall, several hundred thousand acres have been withdrawn.

Mr. MANN. That is where they know there may be some deposits.

Mr. FERRIS. They think there are; yes.

Mr. MANN. But as long as we are very much in need of finding deposits of both nitrates and potash, is it not desirable to permit anyone to search for them on any of the public domain?

Mr. FERRIS. They can be leased under this bill anywhere on the public domain.

Mr. MANN. No; only where they are concentrated in desert basins.

Mr. FERRIS. As I say, I am not going to contend about that.

Mr. MANN. The amendment offered by the gentleman from Wyoming would make it possible to get permits for the search for any of these salts on any of the public domain.

Mr. FERRIS. In many places in the West, in fact, on a farm that I own, the salt, or alkali, as we call it, comes up through the ground and appears on the top. Now, whether or not some one without the proper intention could go upon the land and take up land that had coal and oil or something else, I do not know, but it might confuse them in the administration of the law. That is the only hesitation I have about accepting the gentleman's amendment.

I thought that the Interior Department or the Geological Survey might have put that in so that they might not use this as a vehicle to get coal, oil, and gas.

Mr. MANN. Of course it would not give them control of the coal, oil, or gas. I want to make this suggestion: We made an appropriation in the Agricultural appropriation bill to see if they could find some deposit of potash or some method for extracting potash. I do not know but that they may have some establishment in operation for the production of potash from kelp. We made also an appropriation in the sundry civil bill for the purpose of seeking potash. We are now absolutely dependent for our supply on Germany. We have discovered no place in this country where there is a deposit of potash. All I want to do is to have anybody that will do it see if they can find a supply of potash in this country. If they can find one of any size it is worth more than we can contemplate. But this language limits these explorations to desert lands. It is possible that these deposits are in desert basins, although in Germany they find it below the surface of the soil.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. LENROOT. Mr. Chairman, possibly I can add a little information to what the gentleman has stated, for I have here the reference to the hearings which the gentleman has referred to. The gentleman from Oklahoma was mistaken in giving the amount of withdrawals. The withdrawals in reference to potash amount to 250,000 acres, and they are found in Nevada and California. Dr. Smith states that so far they have only been found in the dry beds of lakes; that nowhere has there been discovered or found any place where potash is found as it is found in Germany. At one place in California, in Searles Lake, an English corporation is manufacturing potash under a patent process.

Mr. MANN. They are getting potash there from a deposit?

Mr. LENROOT. From a deposit in the dry bed.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MONDELL. The gentleman understands that it is not intended to confine the operation of this law to lands that may have been withdrawn and designated; it is intended to give an opportunity to prospect for these minerals wherever anyone feels there is a probability of finding them. For instance, take the case of Green River, in my State, where sodium deposits have been developed. It is up on the high bench, and by a happy chance deep drilling developed the presence of this deposit. Of course, you do not want to limit that sort of a thing or prevent that sort of development. The withdrawals, I think, are all basin withdrawals. Except for that sodium development in my State, all the other sodium developments are in basins. Some people are more hopeful—I am speaking more of sodium than potash—of these areas where they can penetrate old basins than they are of the basins that now exist.

Mr. LENROOT. I would like to ask the gentleman—for under the language of this bill I think there is much to be said—but in any case, would any person have any difficulty in obtaining a prospecting permit, which would certainly protect him rather than otherwise?

Mr. MONDELL. I do not think this is the most important thing in the bill. I offered it to help perfect the bill, and more particularly to call attention to the situation. I think the bill would be better with the language out. I think it might be possible, under a liberal construction, for the Secretary to allow leases anywhere with this language in, but a narrow-minded Secretary might hold that he did not have the wide authority that he ought to have.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 9. That upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of one of the substances enumerated in section 18 hereof have been discovered by the permittee within the area covered by his permit, the permittee shall be entitled to a patent for 640 acres of the land embraced in the prospecting permit, to be taken and described by legal subdivisions of the public-land surveys, or, if the land be not surveyed, by survey executed at the cost of the permittee in accordance with the laws, rules, and regulations governing the survey of placer-mining claims. All other lands described and embraced in such a prospecting permit, from and after the exercise of the right to patent accorded to the discoverer, and all other lands known to contain such valuable deposits as are enumerated in section 18 hereof and not covered by permits or leases, may be leased by the Secretary of the Interior, through advertisement, competitive bidding, or such other methods as he may by general regulations adopt and in such areas as he shall fix, not exceeding 2,560 acres, all leases to be conditioned upon the payment by the lessee of such royalty as may be specified in the lease and which shall be fixed by the Secretary of the Interior in advance of offering the same and which shall not be less than 2 per cent on the gross value of the output at the point of shipment and the payment in advance of a rental, which shall be not less than 25 cents per acre for the first year thereafter, 50 cents per acre for the second, third, fourth, and fifth years, respectively, and $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition that at the end of each 20 year period succeeding the date of any lease such readjustment of terms and conditions may be made as the Secretary of the Interior may determine, unless otherwise provided by law at the time of the expiration of such periods.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I do that for the purpose of calling the attention of the committee to the words in lines 10 and 11, page 16:

In accordance with the laws, rules, and regulations governing the survey of placer-mining claims.

The law on the subject of mining surveys applies not to placer but to lode claims. The provisions which bring the placer under the lode regulations is section 2329, which provides that claims usually called placers, and so forth, may be entered and patented under like circumstances and conditions and under similar proceedings as are provided for lode claims.

The reference, therefore, would have been more accurate if it had been to the law providing for the survey of lode claims. I want to make this suggestion: If there is any one thing on earth in connection with mining experience that is aggravating to the last degree, and can scarcely be discussed in good temper, it is our laws and regulations relative to the survey of lode claims, particularly as we apply them to placer claims. It requires 29 different and distinct affidavits of considerable length, and no end of trouble besides, to enter a placer-mining claim. A lawyer must be well versed in the practice of mining law who can get up a set of papers that will pass muster. Ordinarily I am not particularly in favor of leaving matters to the discretion of the Secretary, but when it is simply a matter of the survey of a piece of land I do not know why we should not leave it to his discretion. The Secretary could not invent anything as bad as the present practice in regard to placer claims if he tried. I think the Secretary can work out a surveying system for these unsurveyed leased lands much better than the practice under the placer acts.

If we left it with him to provide how these surveys should be made, I am confident he would work out a plan that would be infinitely more satisfactory than the plan which we, in this left-handed way, by reference to the law, invoke. The Secretary, if we left it to him, would be likely to outline a simple plan in harmony with our rectangular survey.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Chairman, I have been trying to confer with some of the members of the committee who sit near me here. It is the thought of some of them that, inasmuch as the placer-mining and the lode-mining laws still prevail, as to precious metals and as to all minerals, in fact, not specifically mentioned in this bill, a reference to those mining laws might put in vogue usages and rules and regulations and practices that have been of long standing, and might be clearer and bring less confusion than some new rules and regulations that the department might make; but my second thought is almost identical with that of the gentleman from Wyoming, if not quite so—that we might have something in this bill that would be out of joint with a law framed for another purpose entirely. As I understand the gentleman, it is his thought that all reference to the placer-mining laws should be stricken out and that in lieu thereof we insert "such rules and regulations as the Secretary may prescribe."

Mr. MONDELL. Yes. Quite a number of years ago I proved up on a piece of land which I thought contained something of value, but which afterwards developed not to contain any considerable value. It was surveyed land, and yet I was compelled, or I considered it safer and better under the practice, to hire a deputy mineral-land surveyor to go out and go around those lines and set the posts and go through the form of making numerous affidavits. I think I paid $50 for it. Those mining-survey laws as they are applied to placers are not very happy, even in that application, particularly now that we are dealing mostly with surveyed lands, and the original law did not contemplate surveyed land at all. It contemplated lands up in the mountains that were unsurveyed, and when we come to apply them to the placer act they did not fit very well, and if the committee made some provision under which the Secretary should prescribe rules and regulations for these surveys, I think it would be better.

Mr. RAKER. Mr. Chairman, the only question here is on the unsurveyed lands. Surveyed land is provided for by extension of the public survey in 40-acre tracts.

Mr. MONDELL. If the gentleman will yield a moment, that is true; and yet this is also true, as the gentleman knows, that if you take a placer claim on surveyed land it generally has been the rule to have a deputy mineral surveyor, and follow the rigmarole of the mining law. Query: When we apply that law to these lands, do not we modify that provision with regard to surveyed lands as well as unsurveyed lands?

Mr. RAKER. No; and I want to make the distinction, if I can. Under the surveyed lands, if it is a placer claim, it is marked out by the original survey; and on practically all of the public domain, if you want to get your corners located, you have to resurvey. There is no possible trouble about the placer-mining law as to the surveyed land. The only question is as to the unsurveyed land; and I do not believe the gentleman or anyone else could suggest a cheaper method than is now in vogue relative to the placer-mining claims location on unsurveyed lands.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Certainly.

Mr. MANN. Why would it not be perfectly safe to say "in accordance with rules and regulations prescribed by the Secretary of the Interior"?

Mr. RAKER. It would; but——

Mr. MANN. If the placer regulations fit, he would prescribe them.

Mr. RAKER. I concede it would; but I want to call the gentleman's attention to this fact: You have a set of laws and rules and regulations that the miners and the surveyors and everybody now understands.

Mr. MANN. And the department understands them also.

Mr. RAKER. Yes; I know that is true. They ought to, and I am satisfied they do. That being the case, the lode law and the placer law are still in force and effect, and are not affected by this bill at all. It is only a question of convenience of saying it shall apply; in other words, that the unsurveyed land shall be taken up the same as in the placer-claim law. That is definite, because we have rules and regulations and practices that everybody understands.

Mr. MANN. Of course this relates only to the survey of lands.

Mr. RAKER. Yes; the unsurveyed lands.

Mr. MANN. I do not know anything about it, but I should imagine that the ordinary placer regulations might not always be what they want for this investigation.

Mr. RAKER. There comes the question. Let me call the gentleman's attention to this fact: We should dispose of the public domain as near as possible in accordance with the public surveys, extended or protracted. That is what we are trying to do all of the time. Under these claims they ought not to be permitted to take pieces here and there. They ought to take their chances with the 640-acre extended survey, protracted under the same conditions as in the placer-mining laws, or 2,560 acres.

Mr. MANN. I will say to the gentleman that, as far as I am concerned, I want to encourage anybody to find potash or nitrates.

Mr. RAKER. So do I. It is immaterial which way this goes, except that you have the law and the practice now already understood. Why take it and make it uncertain? That is all there is to it. The same result will be accomplished by either method.

Mr. MONDELL. Mr. Chairman, I offer the following amendment: Page 16, line 10, strike out the words "the laws."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, line 10, strike out the words "the laws."

Mr. MONDELL. And, lines 10 and 11, strike out the words "governing the survey of placer-mining claims."

The Clerk read as follows:

Amend, on page 16, lines 10 and 11, by striking out the words "governing the survey of placer-mining claims."

Mr. MONDELL. And insert, in lieu of the last, "prescribed by the Secretary of the Interior."

The Clerk read as follows:

And insert, in lieu of the last words stricken out, the words "prescribed by the Secretary of the Interior."

The question was taken, and the amendment was agreed to.

Mr. GRAHAM of Illinois. Mr. Chairman, on page 17, line 2, after the word "thereafter," I move to insert "not less than."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 17, line 2, by inserting, after the word "thereafter," the words "not less than."

The question was taken, and the amendment was agreed to.

Mr. GRAHAM of Illinois. And, in line 4, Mr. Chairman, after the first "and" in that line, I move to insert the same words.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, line 4, after the first "and," before "$1," insert the words "not less than."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 22. That no person, association, or corporation, except as herein provided, shall take or hold more than one lease of each of the classes of deposits herein named and described during the life of such lease; no corporation shall hold any interest as a stockholder of another corporation in more than one such lease; and no person shall take or hold any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof which, together with the area embraced in any direct holding of a lease under this act, exceeds in the aggregate an amount equivalent to the maximum number of acres allowed to any one lessee under this act; and the interests held in violation of this provision shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction, except that any such ownership or interest hereby forbidden which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition.

Mr. GRAHAM of Illinois and Mr. MONDELL rose.

Mr. GRAHAM of Illinois. Mr. Chairman, I yield to the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 18, in line 8, after the word "hold," insert the following: "in the same local field or in directly competitive fields."

Mr. MONDELL. Mr. Chairman, the provision contained in this section which prohibits any person from having an interest in more than one lease or having more than one lease was also contained in the Alaska law. I said at the time that the bill was under consideration I thought perhaps that provision was a wise one in Alaska, particularly in view of the fact that at this time the real problem is the question of a few leases in two fields along the seacoast. I doubt if that provision will be workable in Alaska in the long run, but it may be a good provision to begin with. Now we are dealing with a very much wider territory. We are dealing with oil fields and coal fields extending from the east boundary of the Dakotas to the Pacific Ocean, from Canada to the Gulf, or to the Rio Grande. I think that anyone familiar with the conditions under which coal is mined and oil is developed will understand that any plan which seeks to prevent an individual from having more than one interest in all that vast territory under a Government lease is

not a plan that will encourage development. The business of prospecting for oil or developing oil is a profession. Men follow it for a lifetime. They go from one field to another and lose in one field what they make in another quite frequently, more frequently, I regret to say, than otherwise. So it is with coal development to a considerable extent. A man is in the coal business for life. He has a coal interest in one part of the country and a coal interest in another and a coal interest somewhere else. Now, we do not want to encourage monopoly. One of the important objects of leasing legislation is to prevent monopoly, to increase the number of ownerships so far as it is practical so to do, but to say that a man who has an oil operation in California may not have one in Wyoming, that one who has a coal operation in the northern field of New Mexico may not have one in the southern field of Wyoming, that if he has one in the northern field of Montana he may not have one in the southern field of that State, is to attempt to create a condition which is not in the public interest and which will tend to restrict development.

I do not know that the amendment which I have offered is perfect. If any gentleman will offer something better, I will accept it. It leaves, or would leave, to the discretion of the Secretary to determine the limit of local fields and decide as to whether the fields are directly competitive or not; and if we may trust the Secretary in all the numerous, divers, and important ways in which we trust him otherwise in the bill, we certainly can trust him in this respect. I have had more or less to do with men, and I have known many men who were oil prospectors and developers, men who were in the coal-mining business, all my life. They are generally very energetic, hustling folks. The same operator or the same operating company has operations, one here and one there, generally or frequently far distant from each other. We can not hope and we should not try to limit interest to one operation in the entire country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more. I wish to ask one or two questions.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the gentleman from Wyoming may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LENROOT. I would like to ask the gentleman one or two questions with reference to his amendment. So far as the mining of coal is concerned, it is quite an undertaking to raise the capital to open a coal mine, is it not?

Mr. MONDELL. Yes.

Mr. LENROOT. So they are very anxious about there being no question as to the validity of their lease. Now, the gentleman's amendment contains the term "not directly competitive." That goes to the very authority of the Secretary to lease, and if they should be directly competitive the Secretary would have no right to make a lease to that party, and if he did so, in all probability the lease would not be valid.

Do you think that would tend to security upon the part of one who desired to open a mine?

Mr. MONDELL. The gentleman's query or criticism is rather to the form of the amendment. I admit the difficulty of drawing just the kind of an amendment that one should to fit the conditions. But this is true: That if a man had an interest in one operation, say a coal or an oil operation in Wyoming, and he sought an interest or a lease elsewhere, he would secure a decision in advance as to whether or no those two were the same local field or whether they were directly competitive. If the Secretary determined they were not, then that question would be disposed of, I assume, and thereafter it would not arise to make the lessee any difficulty.

Mr. TAYLOR of Colorado. I would like to ask the gentleman if it would not improve his amendment if he would add to it that not more than one lease should be obtained in any one State?

Mr. MONDELL. I suggest to my friend that you can scarcely adjust these things on State lines. For instance, we have in my State two entirely different coal fields. We have a number of separate and independent coal fields, but our northern field and our southern field are as essentially separated one from the other as though one were in Illinois and the other in Utah.

Mr. TAYLOR of Colorado. If you should have coal fields in between those or in other States, that division might not be so distinctive. Might it not be questionable as to what would be competitive?

Mr. MONDELL. Of course if it were necessary to establish a hard-and-fast rule, a rule that we should not have more than one in any one State might be better than no rule at all, because we would allow a man then, one of these hustling fellows, the sort of men that my friend is acquainted with and that I am acquainted with, that like to develop new fields, an opportunity at least in these widely separated districts.

Mr. GRAHAM of Illinois. I was going to suggest to the gentleman from Wyoming that limiting to a State might be added to his amendment, agreeing not to hold in any one State or in the same local field or in any competitive field.

Mr. MONDELL. I think that would make the amendment more definite. It would also restrict it.

Mr. GRAHAM of Illinois. The last statement, "in directly competitive fields," with reference to oil is so indefinite, so indeterminate, it is hard to tell just what it does affect.

Mr. MANN. Will the gentleman yield? If that language should be inserted in the bill at all, you would have to put in the provision that in the opinion of the Secretary it was competitive in order to have it worth anything at all.

Mr. MONDELL. That is my thought. It is not a thing that could be left until after the leases had been made.

Mr. LENROOT. The gentleman understands, of course, that under the bill a person may hold one lease, but there is nothing to prevent him from holding an interest, or, rather, being a stockholder of a corporation holding another lease, provided his aggregate interests do not exceed the maximum amount?

Mr. MONDELL. Well, I think that is true. That is a rather involved situation which the bill creates. While seeming to be intended to absolutely prevent more than one interest, it provides a way to "beat the devil around the stump" and secure and hold many interests. I think there should be a provision in the bill under which, clearly and aboveboard, and without question, the same person or corporation could be interested in more than one lease under proper conditions.

The CHAIRMAN. The time of the gentleman from Wyoming [Mr. MONDELL] has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. I think, to meet the conditions I have suggested, there should be an amendment making it clearly lawful for persons or corporations to hold leases in essentially noncompeting fields; it should be sufficiently guarded to prevent combination or monopoly.

Mr. AVIS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. AVIS. There is just one criticism I wanted to make of the gentleman's amendment. I am referring to competitive bids. We have in our State of West Virginia several competitive fields, not in the sense of the producing end, but in the selling market, and I do not think the language would cover the point you are aiming at.

Mr. MONDELL. I think it would. If I were the Secretary of the Interior and were to interpret that, I would interpret it on the selling end. There is where the competition really comes. A field that directly competes in the market with another field—in other words, a field that ships to the same primary market or ships the bulk of its product to the same market—is a competing field.

Mr. AVIS. My criticism of the gentleman's amendment is coupled with what has been said on the other side, where they wanted to confine it in one State. The competition might not be in the State at all where the producing was, but altogether in another State.

Mr. MONDELL. When you get fields widely separated, although the products of two fields might reach the same market, the amount of product which reaches a distant market is ordinarily so small that they are not actively competitive.

Mr. COOPER. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. COOPER. I wish to say that what might be a market in which they compete to-day might not be a market in which they would compete two years from now, because of transportation charges.

Mr. MONDELL. I realize that.

Mr. COOPER. And therefore there is absolutely no certainty whatever. It is not possible to make a certainty out of that language, "noncompetitive," because, while they might not be competitive to-day, if transportation conditions change a year from now they would be competitive.

Mr. MONDELL. My language is "directly competitive," and not "noncompetitive," because all mining in the United States is, in a way, competitive.

Mr. COOPER. Whether it is directly competitive or not, the result you are looking for depends on transportation conditions

absolutely and nothing else, and all transportation conditions change, and what is directly competitive to-day would not be directly competitive later on.

Mr. MONDELL. I realize the difficulties, but in drawing a law covering half of the Union it is not a reasonable thing to say that an individual shall only have one interest in all that territory. As a matter of fact, the bill itself allows more than one interest in an indirect way It seems to me it would be better to allow it in a direct way and aboveboard. I am interested in this matter from the standpoint of the people who are to buy the product, from the standpoint of the communities that need the development, and from the standpoint of the virile and courageous man who is willing to take a chance with his time and his money. All those classes are interested in giving the widest opportunity for development, safeguarded against combination and monopoly. I confess I have no interest whatever from the standpoint of the man who wants to speculate in stock and sell shares. The bill as it now stands shortens the opportunities of those who desire to develop; in fact, so restricts as to drive men out of business; but it leaves the way wide open for all sorts and kinds of combinations, harmful and otherwise, through stock ownership.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I do.

Mr. GRAHAM of Illinois. I suggest to the gentleman from Wyoming that his amendment be modified to read thus: After the word "hold," at the point he suggests, add "in any one State, or in the same local field, or in any field which in the opinion of the Secretary of the Interior is directly competitive," adopting the suggestion of my colleague from Illinois.

Mr. MONDELL. Well, Mr. Chairman, the gentleman's amendment somewhat limits my amendment, because it would not allow more than one operation in the same State in any event, as I understand it; but it would be better than the bill as it is now. It would give a man an opportunity to have an operation in Colorado, for example, and one in Wyoming. Also, providing they are not competitive and providing they are not in the same field, he can have one in each public coal-land State. It would be better than the present provision, or lack of provision, and I would be willing to accept that as at least better than what we have in the bill.

Mr. GRAHAM of Illinois. Does the gentleman desire to offer a substitute or does the gentleman desire that I offer it as a substitute?

Mr. MONDELL. The gentleman can offer it as a substitute. I will support it.

Mr. GRAHAM of Illinois. Mr. Chairman, I offer an amendment as a substitute to the amendment of the gentleman from Wyoming; a substitute in the nature of an amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Substitute for the amendment of Mr. MONDELL:
"Insert, after the word 'hold,' in line 8, the following: 'in any one State, or in the same local field, or in any field which in the opinion of the Secretary of the Interior is directly competitive.'"

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. LENROOT. Mr. Chairman, I would like to have the attention of the gentleman from Illinois [Mr. GRAHAM] and that of the gentleman from Wyoming [Mr. MONDELL]. The amendment reaches the question, so far as the taking of the lease is concerned. But here a lease is issued by the Secretary, and the conditions are afterwards changed. Your language is, "which in the opinion of the Secretary is directly competitive." How are you going to reach it? The condition changes after the lease is made and the field becomes competitive.

Mr. MONDELL. It only provides for one in a State in any event. It can not be very dangerous.

Mr. LENROOT. It is "take or hold a lease in any one State, or in the same local field, or in any field which in the opinion of the Secretary of the Interior is directly competitive." That would call for the judgment of the Secretary of the Interior during the entire life of the lease, and under the other provisions of the bill it would call for a forfeiture of that lease when conditions might become competitive through no fault of the lessee but through conditions over which he had no control. It certainly would be very unjust to the lessee.

Mr. MONDELL. Well, the gentleman realizes that the conditions created by the bill as it stands are not very satisfactory. In view of the conditions under which oil and coal operations are carried on, a man ordinarily makes operations of this class a business for life. Sometimes a man has an operation in Pennsylvania, and he will have one possibly in Illinois, and he may have one in Wyoming. Wyoming is indebted for some of her best operations to the energy of men who have come to us from Illinois. For instance, one big mine in the northern part of my State was started by a man who had a little mine in Illinois, who took what little he was making in the Illinois mine to start a mine in Wyoming. There is another case where an operator—not a big operator—came there and opened some property. You can not get men to do this sort of thing in a new country unless they are men who are accustomed to it and who understand the business and who are of the kind of men who are willing to take the chances; and those men have operations, if they are at all successful, widely scattered, generally, in various parts of the country. We do not want to lose the benefit of that kind of development.

Mr. LENROOT. I wish the gentleman would address himself to the point I make upon the amendment.

Mr. MONDELL. Well, I think if the lessee is willing to take that chance, that is his affair. At any rate he ought to have some provision in the bill that will give him a chance. Of course I realize that the conditions may not be the most satisfactory in the world for various reasons.

Mr. LENROOT. I did not suppose the gentleman would offer any proposition that would make it less satisfactory to the lessee.

Mr. MONDELL. I do not think it would make it less satisfactory, because unless a man knew it was not a competitive field and that it was not going to become one he would not go on with his enterprise. I wish we could make it clear without a doubt.

Mr. LENROOT. Let me give the gentleman an illustration of what might readily occur. Here are two fields. The Secretary executes a lease to one man in each field, and later another person comes along and asks for another lease in each of the fields. Conditions have changed and the fields have become competitive. The Secretary is then compelled to find that, the fields being competitive, he can not issue the lease, and under the terms of this bill the original leases then become forfeited.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MONDELL. If I had gone through this bill raising all the ghosts that could possibly be raised, as the gentleman has raised them against my amendment, I would have had every hair on the gentleman's head standing on end [laughter], because there is not a section of the bill that does not contain provisions under which a man would be in mortal terror during all of his lease for fear he would lose his property. Now, if he could stand those, I submit to my friend, he could stand the chance that he would be taking under this amendment.

Mr. LENROOT. Mr. Chairman, in reply to what the gentleman has said, and notwithstanding what he has said, if he will read the bill as reported from the committee with that care which I supposed he had read it, he would find that from the beginning to the end of that bill it was the purpose—and it is found in the bill—that any lessee, before he becomes a lessee and before he avails himself of the terms of the bill, knows all of the conditions which he will have to meet during the life of the lease.

That is why I raise the question I do concerning the gentleman's amendment, because he throws an uncertainty into a bill the provisions of which are definite and certain.

Mr. MONDELL. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MONDELL. The gentleman and I do not read the bill alike, for there are certainly many provisions in the bill, as I read them, that would allow a modification of the conditions after the lease was made; and unquestionably many conditions might arise under which the Secretary might require something to be done that could not have been contemplated by the lease except in a general way.

Mr. STAFFORD. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. STAFFORD. I assume that the objection of my colleague lies against the last part of the proposed amendment.

Mr. LENROOT. Certainly.

Mr. STAFFORD. And that he has no objection to the other two proposals?

Mr. LENROOT. That is correct.

Mr. MANN. Mr. Chairman, if this amendment should be adopted, it seems to me that it would be necessary to rewrite this section all the way through. I confess I do not feel quite sure just what this language means:

No corporation shall hold any interest, as a stockholder of another corporation, in more than one such lease.

But it undoubtedly means that you can only be a stockholder in one corporation or a stockholder in two corporations. You can not go beyond that. Now, the whole purpose of the provision is to prevent possible monopoly. If an occasion arises

where some one who holds one of these leases and is operating successfully desires to get another lease, it may be covered by subsequent legislation. I am a little afraid of this provision.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. GRAHAM] to the amendment of the gentleman from Wyoming [Mr. MONDELL].

The question being taken, on a division (demanded by Mr. LENROOT) there were—ayes 13, noes 14.

Accordingly the amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming [Mr. MONDELL].

The amendment was rejected.

Mr. FERRIS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 18, in line 17, after the word "act," by inserting the following: "or which, together with any other interest or interests, as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof."

Mr. FERRIS. Mr. Chairman, I think the amendment I have just offered needs a word of explanation. It was drafted by the department, in consultation with some practical oil men, and, in effect, it renders it impossible for one person or corporation, though not a lessee, to buy and hold an interest in different leases indeterminately. The department, in a letter on this amendment, has the following to say:

DEPARTMENT OF THE INTERIOR,
Washington, September 16, 1914.

Hon. SCOTT FERRIS,
Chairman Committee on Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: Col. Wheeler, a friend of the Secretary, who is representing some of the oil people and following the general leasing bill quite closely, suggested to me yesterday that we ought to insert in line 14, page 13, after the words "adjoining lands," the words "under this act," as the language of the clause beginning in line 13 and ending in line 15 evidently relates to lands leased or patented under the pending bill, and not to lands theretofore patented under other laws.

In discussing with him another matter in section 22 my attention is directed to an apparent omission. The bill attempts to restrict the aggregate amount of oil land or any land held under lease by a single individual or corporation at any one time, and it is provided in lines 12 to 19 that no person may hold any interest as a member of an association or stockholder of a corporation which interest, together with the area "embraced in any direct holding of a lease under this act, exceeds in the aggregate an amount equivalent to the maximum number of acres allowed to any one lessee." In other words, an individual who has an interest as a stockholder in a company having a lease, which interest would equal, say, 40 acres, could only get a direct lease himself for 600 acres, aggregating 640 acres, or if he already had a lease himself for 640 acres, he could not take stock in a corporation applying for a lease under this act.

This is as the committee intended it, but the way the bill is worded it would seem that there is nothing to prevent a man from holding an unlimited amount of stock in any number of corporations having oil leases. In other words, the prohibition is against an interest in a corporation which, together with any direct holding, exceeds the maximum amount, and there is no prohibition against his acquiring an unlimited stock interest in any number of leases. Should not the bill be amended by inserting in line 17, page 18, after the word "act," the following clause: "or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof"?

If I am right about this, the last-mentioned matter is very important and should be remedied, and I would be glad if you would give it very careful consideration before the said section 22 is reached on the floor.

Very respectfully,

———— ————.

The amendment mentioned in this letter is the one I have offered. Pursuant to that suggestion I held a little conference with the gentleman from Wisconsin [Mr. LENROOT] about it, and I have spoken hurriedly to other members of the committee about it, and it was the thought of the committee that we should heed the suggestion of the department and offer that amendment for the action of the committee. We think section 22 as it stands, and the other limitations, perhaps throw all the necessary safeguards around the lessees themselves; but we thought we ought, if we could, to try to prevent even corporations outside of a lessee from buying or at least holding large areas and being large stockholders in leaseholds indiscriminately. For instance, as the section stands now, in the judgment of the department, we have nothing there that keeps an outside party who is not a lessee at all from buying stock in all the leaseholds he wants to buy, and the department thought it was an oversight on our part, and asked what we intended. The gentleman from Wisconsin [Mr. LENROOT], who had a chance to talk with the department law officer about it, feels as I do, and I should be very glad if, as an abundant safeguard, the amendment may be agreed to.

Mr. MADDEN. Suppose the lessee organized a company, which he would probably have the right to do, to operate the property, and he offered stock for sale to the public, should there be any prohibition on the part of the public from buying his stock?

Mr. FERRIS. The prohibition would come in the leasehold contracts between the Federal Government and the lessee, and would be a prohibition against selling to a party who held another lease.

Mr. MADDEN. How would they be able to find that out? Every time you have stock for sale you would have to make a search of the records of the courts to ascertain whether or not a man who was willing to buy held stock in another company.

Mr. FERRIS. All that would be necessary would be to apply the law of caveat emptor—let the buyer beware—and the buyer would know that he would not be permitted to hold those leases. So, I take it, he would discover in the recorded leases or in the abstract the prohibition to him.

Mr. MADDEN. If any such law as the one described by the gentleman from Oklahoma should happen to be passed, good-by to development. You are acting on the theory that men are clamorous to invest their money in every kind of an enterprise, and that it is the easiest thing in the world to get capital to develop enterprises. On the other hand, the man who has an enterprise that he wants to organize and develop must show a good case to the man who has the money to invest before he will invest.

Mr. FERRIS. Let me reply to the gentleman on that point. I always listen to the gentleman with a great deal of interest, because I know he has good business judgment and is a successful business man, and he knows what he is talking about. But in the San Joaquin Valley a pool of oil 125 miles long and from 2 to 5 miles wide has been discovered. It is the richest oil field in the world so far discovered. A great deal of this is on the public land. The bill provides for the leasing of that land. I call the attention of the gentleman to the fact that no less than 25 oil operators who have gone out there and who are producing oil are clamoring to have this bill passed so they may have their rights made certain, so they may pay to the Government a reasonable rental or royalty for the oil and go ahead. Of course, they would much prefer to have their patent in fee so that they would not pay any royalty, but they are held up by the Land Office and can not get their patents, and they are very solicitous of having this law passed. It is true we should not sell a razor that will not shave, but this razor will shave.

We had 25 or 30 oil men appear before us, and while they do not agree on all of these propositions, they, like the rest of us, are selfish and want to get all they can out of it, but we are trying to put up a bill that will develop the lands and let the public get all the return they can. While these provisions may be sufficiently drastic not to develop the whole country, not to develop the entire field at once, yet I call attention to the fact that there is more oil being produced in the country to-day than can be sold or used. Oil is selling in my State at 65 cents a barrel, and the oil producers are crying aloud to "lay on, Macduff," and stop Mexican oil from coming into the country, and for pipe lines to be made common carriers, and crying aloud for relief from overproduction and most all the ills that go with the oil business.

Mr. MADDEN. Well, if you want to stop the investment of money in these projects, the theory on which the gentleman is going is correct.

Mr. LENROOT. Mr. Chairman, I doubt if the gentleman from Illinois has a correct understanding of what this proposed amendment will accomplish, and unless one followed the language closely and applied it to the text he could not have a correct understanding. All this amendment will do is that if there is a purchaser of stock in an oil company, and he has a total amount of stock in two or more oil companies amounting in the aggregate to more than the equivalent of the number of acres that the oil company would be entitled to lease in a direct leasing, he shall forfeit his stock. So that there is no uncertainty on the part of the purchaser of the stock. He knows what stock he holds in other companies. It is not a forfeiture of the property of the company if there is a violation, but only a forfeiture of the interest that the violator himself holds.

Mr. MANN. Mr. Chairman, I have some doubt whether it is possible to say that the stockholder in a company which owns 2,500 acres owns the equivalent of any number of acres himself. The bill may be so construed. But I do not understand that the bill—unless it is the amendment offered—prevents a man acquiring stock without hesitation as to its ownership. Suppose some one owns stock in two companies contrary to the law, he may still sell that stock on the market and convey a good title to the certificate, as I understand it, unless the Attorney General has commenced proceedings of forfeiture. The language is not that a man may not acquire more; the language

is," "and interests held in violation of this provision shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General." If the Attorney General institutes proceedings against some one who has acquired this stock contrary to law, you may have a decision or decree forfeiting the stocks; but if the man before those proceedings have been commenced offers his stock in the stock market and sells it, he conveys a good title to it, as I understand the provisions of this bill. There is no attempt to cloud the title of a man collaterally; you have to begin direct proceedings against him to acquire his stock. If in the meantime he has parted with it, in the ordinary course of trade, the title he has conveyed is good unless the purchaser is up against the same proposition.

Mr. RAKER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. RAKER. Taking the view of the gentleman from Illinois, could it not be accomplished by the Attorney General at at the same time instituting proceedings for an injunction?

Mr. MANN. Oh, yes; if the Attorney General has commenced proceedings; but I was speaking of the feasibility of the transfer of stock before proceedings had been instituted. The purchaser of stock does not know, and could not know, whether his assignor of the stock owned stock in two companies. If this bill provided for an absolute forfeiture of stock the moment it was acquired, you could not sell any stock on the market and you could not get any purchasers. That was the question properly raised by my colleague, Mr. MADDEN.

Mr. MONDELL. Mr. Chairman, I offer a substitute for the amendment.

The Clerk read as follows:

Page 18, line 8, after the word "hold," insert the words "directly or indirectly."

The CHAIRMAN (interrupting the reading). That is not a substitute.

Mr. MONDELL. The balance of it is.

The Clerk continued the reading:

Line 12, strike out all after the word "lease" down to the word "except," in line 23.

The CHAIRMAN. That is not a substitute. The gentleman from Oklahoma has a right to perfect the text first.

Mr. MONDELL. Mr. Chairman, the gentleman from Oklahoma has offered an amendment to this provision relative to the holding of stock. As a substitute I offer an amendment which strikes out all of this provision.

The CHAIRMAN. But the gentleman from Oklahoma has a right to perfect first the words to be stricken out. The gentleman from Wyoming can not deprive him of that opportunity by offering a preferential motion in the guise of a substitute. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Now, Mr. Chairman, I offer my amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 18, after the word "hold," in line 8, insert the words "directly or indirectly."

In line 12, strike out all after the word "lease" down to the word "except," in line 23.

Mr. MONDELL. Mr. Chairman, a moment ago I offered an amendment intended to give honest men an opportunity to do business provided their operations were far separated and noncompetitive. That was voted down. Now, an amendment has just been offered intended to perfect the part of the bill that can have no other object or purpose than to allow men to evade what ought to be the plain purpose of this statute. No one here now really understands what the situation would be after that amendment was adopted. No one was brave enough to answer directly the inquiry of the gentleman from Illinois as to just what it meant after all was said and done. If the object were to give an opportunity to sell bogus oil stocks over the country, to peddle them out hither and yon and far and near, without subjecting the party that sold them nor the party who bought them to punishment for violation of the law—if that were what was intended, it has been accomplished in the language which has been adopted, taken with the language already in the bill. We should do one of two things in this leasing legislation—we should either clearly allow an interest in more than one lease or we should not allow it, and we should not have any provisions in the bill that are questionable. If only one lease or direct interest is to be allowed in the entire country, I propose to make the section clear and definite, that no one can indirectly have any interest in more than one operation. If that is what the committee wants to do, it ought to be done in clear and definite language, and not first put in provisions under which men are to be thrown into jail if they have a direct interest in more than one operation and then other provisions under which they may, under certain conditions not clearly understood by anyone here or elsewhere, hold interests in a dozen different oil or coal operations. We at least ought to have this bill, when we get through with it, understandable. We ought to either allow an ownership or an interest in more than one operation, clearly and definitely, or we should just as clearly and definitely prohibit it. There are many conditions under which the same person or persons or corporation should be allowed to have leases, or interests in them, in at least each separate and noncompetitive field if they so desire. If that is not to be allowed, I desire to make it clear that the committee is allowing and encouraging indirectly what it prohibits directly; that in the interest of stock speculation that is allowed which if attempted in the interest of development is prohibited.

Mr. LENROOT. Mr. Chairman, just a word. The gentleman from Wyoming [Mr. MONDELL] is the best layman lawyer, I think, that I ever knew; but he does not claim to be anything else. What the gentleman has been so vigorously and bitterly denouncing he would permit by the amendment that he proposes.

Mr. MONDELL. Not at all, if the gentleman will allow me. I would, open and aboveboard, after the Secretary of the Interior had passed upon it, allow a man who had an operation in Colorado, for instance, to have one in Wyoming.

Mr. LENROOT. Yes.

Mr. MONDELL. But I would not allow him, through devious ways and contracts, to own an interest in a dozen different enterprises by stock ownership after I denied him the opportunity to secure the interest openly.

Mr. LENROOT. But that very thing the gentleman would permit by his amendment.

Mr. MONDELL. Not at all.

Mr. LENROOT. Because, while the gentleman said what he proposed to do was to prevent any interest by stock ownership or otherwise, the language of his amendment is such that no one shall hold more than one lease, directly or indirectly.

Mr. MONDELL. My idea is that if the committee is going to insist that there shall be but one lease in all the country, I think the committee should also insist that there shall be but one interest.

Mr. LENROOT. What is the language of the gentleman's amendment? He uses the words "directly or indirectly"?

Mr. MONDELL. I provide that he shall not have any interest in more than one lease, directly or indirectly, and then I strike out all of these provisions which allow him to have interest indirectly through stock ownership.

Mr. LENROOT. Then, under the gentleman's amendment, there might be a corporation. That corporation could only have an interest, either directly or indirectly, or could not have an interest, directly or indirectly, in more than one lease, but there is nothing in the amendment that would prohibiit stock ownership all over the United States in all of the leases that anyone chose to offer—just exactly what the gentleman is criticizing.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MONDELL. The gentleman is a good lawyer and I am not a lawyer, but does the gentleman intend to say that the word "indirectly," would not prohibit a man from owning an interest indirectly through stock ownership? If it would not, I am willing to write any words the gentleman would suggest that would prevent it.

Mr. LENROOT. All the gentleman stated was that the language which the gentleman used would not apply or would not prohibit a man from owning stock in more than one corporation.

Mr. MONDELL. The gentleman has not answered my question. He generally is very frank and direct, but he has not been in this case. Under a law prohibiting me or prohibiting anyone from having any interest indirectly, could I have an interest as a stockholder without violating that law?

Mr. LENROOT. I think you could.

Mr. MONDELL. Then, where in the English language is there any word that would prevent it? If the gentleman knows of any, I would like to know it. I see my friend, the very excellent lawyer from Kentucky, Mr. SHERLEY, smiling. Perhaps he can suggest some word that will cover it. I would like to have the word.

Mr. LENROOT. I think if the gentlemen went on and stated "through stock ownership or otherwise," he might possibly reach it, but I submit the language the gentleman has used does not reach it.

Mr. MONDELL. Oh, very well; Mr. Chairman, I ask unanimous consent to amend my amendment by inserting, after the

word "indirectly," the words "by stock ownership or otherwise."

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to amend his amendment in the manner stated. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, the gentleman's amendment, if amended, would throw a doubt upon the ownership of every certificate of stock in any of these corporations, and I am sure that he does not wish to do that.

Mr. MONDELL. Of course I do not; but, Mr. Chairman, you can not write anything that these lawyers do not insist throws doubts except the things that they draw themselves.

Mr. MANN. The proposition in the bill is not my proposition. The gentleman's proposition would throw doubt upon the ownership of the stock of every man now selling stock in the country.

Mr. MONDELL. Is it not true under the provisions in the bill as amended one individual could have interest in any number of oil companies until the Attorney General proceeded against him?

Mr. MANN. I think that is true.

Mr. MONDELL. So as a matter of fact the only security we would have would be the activity of the officers of the Government in preventing combinations?

Mr. MANN. Oh, well, that is not the only security, because ordinarily the man would not acquire stock when it was subject to be taken away from him by forfeiture; but if he does acquire stock, he ought to be permitted to sell it, because certainly the man who buys stock in the market can not tell whether the seller has a clear title or not. Under the gentleman's amendment no one would be at liberty to buy stock.

Mr. MONDELL. That is exactly the intent—that if a man is interested in one of these leases he shall not acquire interest in another. If that is what we are going to do, we ought to do it.

Mr. MANN. That is all very well; but the man who wishes to buy stock may not be able to acquire title to it, and he can not search the records to know whether the seller is interested in two corporations or not, until the Attorney General commences proceedings. His stock ought to be salable, and unless that be the case no one could acquire or retain or sell stock in one of these corporations in safety.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 23. That no person, association, or corporation holding a lease under the provisions of this act shall hold more than a tenth interest, direct or indirect, in any agency, corporate or otherwise, engaged in the resale of coal, phosphate, oil, gas, potassium, or sodium purchased from such lessee; and any violation of the provisions of this section or of the antitrust laws of the United States shall be ground for the forfeiture of the lease or interest so held.

Mr. MANN. Mr. Chairman, I move to amend by inserting, in line 6, after the word "the," the words "sale or."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, line 6, after the word "the," insert the words "sale or."

Mr. MANN. Mr. Chairman, I do not know whether that is necessary or not, but a resale of coal is one thing. It is for the purpose of preventing people engaged in the sale. Of course it may be technical; and then I was going to suggest, it says below, "purchased from such lessee." It seems to me that ought to be "obtained from such lessee." There are a great many ways of beating the devil around the stump. They might make an agreement to transfer coal to a selling agency where the agency was not purchasing the coal at all, but as I understand what you want to do is to prevent the lessee from engaging with some other company in disposing of coal which that other company obtained from the lessee. Now, if you say "engaged in the sale or resale of coal" and then say "obtained from such lessee," I think that would cover the cases.

Mr. LENROOT. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. LENROOT. Of course the original corporation engages in the sale of its product.

Mr. MANN. That does not prevent that, because that is coal obtained from the lessee.

Mr. LENROOT. That is true; that is right.

Mr. MANN. That covers the case. There might be a question as to what "resale" meant and what "purchased" was.

Mr. RAKER. Will the gentleman state what his second amendment was? We could not hear it over here.

Mr. MANN. To change the word "purchased" to the word "obtained."

Mr. RAKER. Line 7?

Mr. MANN. Line 7.

Mr. RAKER. That will be all right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to amend, line 7, by striking out the word "purchased" and inserting in lieu thereof the word "obtained."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, line 7, strike out the word "purchased" and insert the word "obtained."

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, if there is any real good reason for leasing legislation, any valid excuse for it, and I think there is, it lies in the fact that the communities where the mineral is to be developed may secure larger returns than they do under private ownership, and that the public may be better served in quality and in price in the matter of the product produced. The committee started out with the idea apparently that in order to accomplish this purpose it was necessary to limit leases, to limit interest under the leases, and so they do. No honest man, aboveboard and on the square, can have a direct interest in more than one lease, or secure more than one lease, though one of the tracts may be 3,000 miles from the other, but by language adroitly drawn—intelligible, I hope, to somebody—provision is made under which that which you have seemingly attempted to prevent can be accomplished in the worst possible way.

Under these provisions there will be no limit to the number and extent of interests that a single individual may have through stock ownership. When these ownerships have been concentrated in that way the equities will have to be recognized and the courts or Congress will say that we attempted an impossible or an improper thing; that these rights have been acquired under this law and they must be recognized. If we are going to encourage development, let us encourage it on the square and openly and aboveboard.

I have no interest in the stock sellers in the eastern cities who sell stock, often in bogus companies, to widows and orphans and servant girls. It may be that some of the stock-ownership provisions are wise; evidently they are not clear or it would not have been necessary to amend them; but I want to emphasize the fact that while the committee is as bold as a lion and as fierce as a pack of wolves in limiting and restricting the legitimate, honest, open and aboveboard opportunities of those who are capable and willing to carry on development, and by so doing restricts and discourages needed development, everything is perfectly lamblike, placid, and complacent when the interests of stock speculators or stock jobbers are involved. The open and legitimate opportunities to take more than one lease are denied, but the indirect, secret, but infinitely more potent methods of control are allowed and encouraged. In fact, no harm could come to the public from giving an individual or a corporation an opportunity to have a lease in each State, for instance. That is denied. But all sorts of combinations are allowed through stock ownership. I do not, of course, desire to make it difficult to sell stock. I do want to make it attractive to develop our country.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order of no quorum.

The CHAIRMAN. Evidently there is no quorum present.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise.

Mr. MONDELL. Mr. Chairman, I insist I can not be taken off my feet.

Mr. FERRIS. I did not intend to do that.

Mr. MONDELL. My five minutes have not expired.

The CHAIRMAN. The gentleman has two minutes remaining.

The question is on the motion of the gentleman from Oklahoma that the committee do now rise.

Mr. MONDELL. The gentleman can not take me off my feet to make that motion.

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON] made the point that there was no quorum present, and the Chair sustained the point. In the absense of a quorum, there would be nothing in order except to call the roll.

Mr. MONDELL. Under the circumstances, I yield the balance of my time.

The CHAIRMAN. The question is on the motion of the gentleman from Oklahoma [Mr. FERRIS] that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CARTER, for to-day, on account of illness.

To Mr. DRUKKER, indefinitely, on account of illness in his family.

EXTENSION OF REMARKS.

Mr. MONDELL. Mr. Speaker, my time in the committee having been limited, I ask unanimous consent to extend my remarks in the RECORD.

Mr. FITZGERALD. The gentleman has that right under the rule.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CASEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the bill (H. R. 17855) to provide an industrial alcohol commission, under the direction of the Secretary of Agriculture, for the purpose of aiding the development of denatured-alcohol production by farm distilleries; and its uses for light, heat, and power, and other industrial purposes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 13219. An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys in the District of Columbia.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated:

S. 6505. An act to amend sections 11 and 16 of an act to provide for the establishment of Federal reserve banks, etc., approved December 23, 1913, and commonly known as the Federal reserve act; to the Committee on Banking and Currency.

ADJOURNMENT.

Mr. FERRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 34 minutes p. m.) the House adjourned until Monday, September 21, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of Commerce, suggesting amendments to the bill (H. R. 9017) transferring the control and jurisdiction of Alcatraz Island, and its buildings thereon, from the Department of War to Department of Labor (H. Doc. No. 1164), was taken from the Speaker's table, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SABATH, from the Committee on Alcoholic Liquor Traffic, to which was referred the bill (H. R. 18851) to prohibit the sale or gift of intoxicating liquors to minors within the admiralty and maritime jurisdiction of the United States, reported the same without amendment, accompanied by a report (No. 1157), which said bill and report were referred to the House Calendar.

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4920) to increase the cost of construction of Federal building at Pocatello, Idaho, reported the same without amendment, accompanied by a report (No. 1159), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 18783) to increase the limit of cost of the United States post-office building and site at St. Petersburg, Fla., reported the same with amendment, accompanied by a report (No. 1160), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. UNDERHILL, from the Committee on Industrial Arts and Expositions, to which was referred the bill (S. 6454) to authorize the Government exhibit board for the Panama-Pacific International Exposition to install any part or parts of the Government exhibit at the said exposition either in the exhibit palaces of the Panama-Pacific International Exposition Co. or in the Government building at said exposition, reported the same without amendment, accompanied by a report (No. 1161), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARAWAY, from the Committee on the District of Columbia, to which was referred the bill (S. 2415) relating to the exclusion of traffic from the streets and avenues of the District of Columbia during parades, reported the same without amendment, accompanied by a report (No. 1162), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WITHERSPOON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 12486) for the relief of Templin Morris Potts, captain on the retired list of the United States Navy, reported the same without amendment, accompanied by a report (No. 1158), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MOSS of West Virginia: A bill (H. R. 18873) to establish and maintain a publicity bureau of the Government to ascertain and distribute information concerning the products of the United States for the purpose of cultivating more extensive trade relations with foreign countries; to the Committee on Appropriations.

By Mr. ANDERSON: A bill (H. R. 18874) to authorize the erection and completion of a public hotel on the grounds of the Military Academy at West Point, N. Y.; to the Committee on Military Affairs.

By Mr. LINDBERGH: A bill (H. R. 18875) to provide ways and means for the operating expenses of the Government; to the Committee on Banking and Currency.

By Mr. ADAMSON: A bill (H. R. 18876) to provide for the construction of two revenue cutters; to the Committee on Interstate and Foreign Commerce.

By Mr. O'HAIR: Joint resolution (H. J. Res. 348) for the appointment of a commission of nine members for the purpose of investigating and reporting a complete system of national defense; to the Committee on Military Affairs.

By Mr. ADAMSON: Resolution (H. Res. 623) for the consideration of S. 2876; to the Committee on Rules.

By Mr. STEPHENS of Texas: Memorial of the Legislature of the State of Texas, relating to the method of relieving the cotton situation in the South; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWDLE: A bill (H. R. 18877) granting an increase of pension to Mary Schneider; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 18878) granting a pension to Nancy A. Trout; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18879) for the relief of Clara S. Ryans; to the Committee on War Claims.

By Mr. DONOVAN: A bill (H. R. 18880) granting an increase of pension to Mary Ann Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18881) for the relief of John D. Butlery; to the Committee on Military Affairs.

By Mr. DOOLITTLE: A bill (H. R. 18882) granting an increase of pension to James Rogers; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 18883) granting an increase of pension to Shadrach Waters; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 18884) for the relief of Daniel Jordan; to the Committee on Military Affairs.

By Mr. SELDOMRIDGE: A bill (H. R. 18885) granting an increase of pension to Mary E. Walker; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 18886) granting a pension to Winfield P. Coursen; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 18887) for the relief of Martha Hazelwood; to the Committee on Claims.

By Mr. SWITZER: A bill (H. R. 18888) granting a pension to James H. Layne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18889) granting a pension to William H. Martin; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 18890) granting an increase of pension to Albert W. Mateer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the National Association of Vicksburg Veterans, favoring proposed celebration of the semicentennial of the close of the Civil War; to the Committee on Military Affairs.

Also, petition of the Central Trades and Labor Union of St. Louis, Mo., calling upon the United States to enforce strict neutrality in the European war; to the Committee on Foreign Affairs.

By Mr. ANSBERRY: Petition of the New Orleans Association of Commerce, relative to liberalizing American navigation laws; to the Committee on the Merchant Marine and Fisheries.

By Mr. BRITTEN: Petition of the National Association of Vicksburg Veterans, favoring proposed celebration of semicentennial of close of Civil War; to the Committee on Military Affairs.

By Mr. CARR: Petition of 22 citizens of Greene County, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. CURRY: Petition of sundry citizens of California, favoring Federal censorship of motion pictures; to the Committee on Education.

By Mr. FINLEY: Petition of Mrs. B. N. Craig and members of Perihelion Club, Rock Hill, S. C., favoring Federal censorship of motion pictures; to the Committee on Education.

Also, petition of Edward G. Seibels, of Columbia, S. C., favoring Johnson bill to regulate use of mails by insurance companies; to the Committee on the Post Office and Post Roads.

By Mr. GERRY: Petitions of 300 people of Narragansett Pier; Russel Potter, Ray B. Kenyon, Elizabeth A. Thomson, Mrs. Alex Thomson, Anna Williams, Laura G. Bosworth, Margaret McL. Colman, Etta P. Field, Julia A. Manchester, Frank A. Bliven, and Edith H. Bliven, of Bradford; Rev. J. H. Roberts, Irving Winsor, Franklin Perry, Henry F. Perry, and Russell Perry, of Greenville; Mrs. Lydia A. Armstrong, of Pawtuxet Valley; Bertley Willey, of Johnston; 127 members of Warwick Baptist Sunday School, of Apponaug; Ednah B. Hale, Mrs. Joseph H. Kendrick, W. B. Shepard, Agnes Mackerman, and 55 residents of Allenton and vicinity, all in the State of Rhode Island, urging the passage of legislation providing for national prohibition; to the Committee on Rules.

Also, petition of the Woman's Political Union and others, of Providence, R. I., favoring woman-suffrage legislation; to the Committee on the Judiciary.

By Mr. GORDON: Petition of Charles Gruender, of Cleveland, Ohio, relative to House bill 17363, regulating use of mails by insurance companies; to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY of Connecticut: Petition of the National Association of Vicksburg Veterans, favoring proposed celebration of the semicentennial of the close of the Civil War; to the Committee on Military Affairs.

By Mr. LIEB: Petition of Cigar Makers' Union No. 54, of Evansville, Ind., by Ed. A. Scheurer, president, and Ernst A. Schellhase, secretary, protesting against any increase of revenue tax on cigars; to the Committee on Ways and Means.

Also, petition of Evansville Journeymen Horseshoers' Local No. 110, and the United Brewery Workmen, Fred Hohenberger, secretary, protesting against national prohibition; to the Committee on Rules.

By Mr. MORIN (by request): Petition of sundry citizens of Pittsburgh, Pa., and the State of Indiana favoring amendment to section 85 of House bill 15902; to the Committee on Printing.

Also (by request), petition of sundry citizens of Pennsylvania favoring Senate bill 3590, relative to status of paymasters' clerks; to the Committee on Naval Affairs.

Also (by request), petition of sundry citizens of Allegheny County, Pa., against increased tax on wines and liquors; to the Committee on Ways and Means.

Also (by request), petition of sundry citizens of Pittsburgh, Pa., against additional tax on cigars; to the Committee on Ways and Means.

Also (by request), petition of Harbor 25, Masters, Mates, and Pilots, of Pittsburgh, Pa., favoring rivers and harbors bill; to the Committee on Rivers and Harbors.

Also (by request), petition of A. J. McKelway, of National Child Labor Committee, relative to House bill 12292, the child-labor bill; to the Committee on Labor.

Also (by request), petition of the bishop of Pittsburgh, Pa., against Jones-Carter bill, relative to use of mails by insurance companies; to the Committee on the Post Office and Post Roads.

Also (by request), petition of Johnston, Holloway & Co., of Philadelphia, Pa., against high tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. PORTER: Petition of the Cigar and Stogie Manufacturing Association, of Pittsburgh, Pa., against additional tax on cigars; to the Committee on Ways and Means.

By Mr. REED: Protest of Cigar Makers' Union No. 192, of Manchester, N. H., against increasing the internal revenue on cigars; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Petition of the State executive board of the Socialist Party of California, favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also, petition of the Chamber of Commerce and Stock Exchange of Los Angeles, Cal., against proposed tax on stock brokers; to the Committee on Ways and Means.

By Mr. TEMPLE: Memorial of the New Castle (Pa.) Box Co., concerning certain relations between common carriers and their patrons; to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERHILL: Petition of the First National Bank of Wayland, N. Y., and the National Bank of Bath, N. Y., against stamp tax on checks; to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Canisteo, N. Y., favoring Federal censorship of motion pictures; to the Committee on Education.

By Mr. WILLIS: Petition of Col. James Kilbourne and other members of the Association of Vicksburg Veterans, in favor of Federal appropriation for national peace jubilee at Vicksburg; to the Committee on Appropriations.

SENATE.

MONDAY, *September 21, 1914.*

(Legislative day of Friday, September 18, 1914.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

The VICE PRESIDENT resumed the chair and said:

The Senate resumes consideration of the unfinished business, House bill 13811.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. FLETCHER. Mr. President, I desire to submit some observations on the pending bill.

Mr. SMOOT. Will the Senator from Florida yield to me for just a moment?

Mr. FLETCHER. I will.

Mr. SMOOT. I ask unanimous consent that the senior Senator from New Hampshire [Mr. GALLINGER] be excused for the remainder of the session. He is not feeling at all well, and he has been here constantly. I wish that unanimous consent might be given that he be excused for the rest of the session.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the senior Senator from New Hampshire [Mr. GALLINGER] is excused from further attendance at the present session of the Senate of the United States.

Mr. KERN. I desire to ask an indefinite leave of absence for the senior Senator from South Carolina [Mr. TILLMAN] on account of ill health.